

523.921
3

AN
ADDRESS
TO THE
HON. ADMIRAL AUGUSTUS KEPPEL.

CONTAINING
Candid REMARKS on his DEFENCE before the
COURT-MARTIAL;

THE SECOND EDITION,
With considerable ADDITIONS.

To which are added
IMPARTIAL OBSERVATIONS
ON

The late TRIAL and ACQUITTAL of VICE-
ADMIRAL SIR HUGH PALLISER.

WITH AN
EXPLANATION OF SEA-PHRASES,

AND
A LETTER to the MONTHLY REVIEWERS.

BY A SEAMAN.

The plainest and fullest speaking is best for a good cause—
KEPPEL'S Defence.

LONDON,
Printed for WILLIAM NICOLL, No. 51, in St. Paul's Church-yard.

*The Author of this Pamphlet has sent a Copy to Mr. Keppel, to Sir Hugh
Palliser, and to all who are quoted by Name, with his Address.*

[Price Two Shillings.]

*Entered in Stationers-Hall, according to Act
of Parliament.*

EXPLANATION OF SEA-PHRASES.

CONCEIVING that my brethren would not think me deficient in the proper phraseology of my profession, I have avoided the using of sea-language as much as possible in the following Address, in order to render it more intelligible to those who do not understand that dialect; and sensible that many will, nevertheless, be unable to comprehend several articles, I shall proceed to a brief explanation of the most material of those technical phrases which could not well be avoided.

The BOWSPRIT of a ship is a large, long piece of fir timber, or mast, resting slopeways on the head of her main-stem, and projecting a considerable way beyond it. To it the fore and foretop-mast-stays are fastened; and it carries, with the jib-boom, four sails, viz. the forestay-sail, jib, spritsail, and spritsail-top-sail.

The MASTS are nine in number; they are denominated fore, main, or mizzen, according as they are situated between the head and the stern of the ship; and they are called lower, top, or topgallant, with regard to their order upwards: thus the three lower masts are, the foremast, mainmast, and mizenmast: the next in order are, the foretopmast, maintopmast, and mizentopmast; and the third or uppermost order consists of the fore, main, and mizen, topgallantmasts. Each of the nine masts has a yard to which the sail is bent or fastened, and both yard and sail go by the proper name of that mast which carries it, namely, the fore-mast, the fore-yard, the fore-sail, &c.

TACKS AND SHEETS are strong ropes fastened to the lower corners, or clues, of the mainsail and foresail, which, by coming down to the sides of the ship, must be hauled forwards, or aft (towards the stern) as the different situations of the wind may require: the tacks serve to confine them forwards, and the sheets act the contrary way. The *clues*, or lower corners, of the topsails and topgallantsails have *sheets* only; because the ends of the yards, to which they are hauled down, go forwards or aft, as well as those of the yards to which the sails are bent. The lower-yards serve to spread the lower part of the topsails; and the topsail-yards answer the same purpose for the topgallantsails. Topsails and topgallantsails are said to be sheeted home, when their clues are hauled close to those blocks, or pullies, through which their sheets pass; but they are not said to be *set*, until the yards, to which their heads are bent, are hoisted up by their *halyards*: then they become properly spread, both in their breadth and depth. As lower-yards are not hoisted and lowered, as topsail and topgallant-yards are, a mainsail

or a foresail is *set* by letting go the ropes which haul up and confine their lower parts to the yard, and trimming them with the tacks and sheets, according to the situation of the wind. When a topfail or a topgallantfail is said to be *up*, the meaning is, that it is *set*; but when a mainfail or a foresail is said to be *up*, the meaning is, that it is *not set*. Again, when a mainfail, or foresail, being set, is to be hauled up to the yard, it is proper to use the word *haul*, but with respect to a topfail, or a topgallantfail, the word *clue*, instead of *haul*, ought to be used; it is as improper to say *haul up* a topfail, or a topgallantfail, as to say *clue up* a mainfail, or a foresail.

REEFS are large portions of the sails, from their heads downward, which may be tied up to the yards in order to reduce the size of the sails, when there is too much wind for carrying them whole. In the topfails there are generally three reefs; and in the topgallantfails and courses one: the courses are never reefed unless it blows very hard, and then the yards must be lowered in proportion to the depth of the reef. When topfails are said to be reefed, without mentioning what reef, the first only is to be understood; and, when they are said to be *close* reefed, it implies that *all* the reefs are taken in.

BRACES are ropes reeved through blocks at the ends of the yards, in order to haul them *forwards*, or *aft*, as need may require; and *tacks* and *sheets* are, as before explained, intended to keep the lower parts of the mainfail and foresail parallel to their respective yards, when properly trimmed by their *braces*.

BOWLINES are ropes fixed to the leeches, or side edges, of the sails, in order to keep them forward, so that the wind may blow more fully into them when the ship goes close hauled.

STANDING RIGGING is fixed for the security of the masts, and it includes all the *stays*, *shrouds*, and *backstays*; the shrouds, equally divided on each side, prevent the masts from going either to one side or the other; and the backstays, being fixed pretty far aft, are intended to secure them from going either sideways or forward.

The STARBOARD side of a ship is the right side; and the LARBOARD is the left. Right A-HEAD of a ship, is directly before her; right A-STERN, is directly behind her; to be on her BEAM, is to be a-breast of her on either side; to be on her BOW, is to be midway between right *a-head* and her *beam*; and to be on her QUARTER, is to be midway between her *beam* and right *a-stern*. The whole compass being divided into thirty-two points, there are sixteen on each side the ship; and these are again subdivided into eight *before*, and eight *a-bast* the beam. When any thing is said to be one, two, or three points on a ship's bow,
or

or her quarter, the reckoning is from her head or her stern; if it be exactly *four points*, it is then right on the *bow*, or on the *quarter*; and if more than four, it is counted one, two, or three points before or a-baft the starboard, or the larboard *beam*. When the wind blows on one side of the ship, the distinguishing words *starboard* and *larboard* are frequently changed into those of *weather* and *lee*; hence TO WINDWARD, is *on the weather side*; and TO LEEWARD, is *on the lee side* of the ship, &c. when a ship is going close hauled, the words starboard and larboard are seldom used. In speaking to the helmsman, and in all such cases as the word *larboard*, if used, would immediately follow the preposition TO, the word PORT is always substituted. *Port your helm, the ship tacked to port, she comes round to port, she heels, or leans, to port, &c.* A ship is said to be on the starboard or the larboard tack, when she is going close hauled, or nearly so, with the wind on the starboard or the larboard side. To be CLOSE HAULED, is to go so near to the wind that it barely blows into the sails so as to impel her forwards: ships close hauled should lay within six points of the wind; in other words, the sails should be trimmed in such a manner as to continue *full*, when the wind is brought two points before the beam. — The following expressions are all synonymous, viz. *by the wind, hugging the wind, close to the wind, and close hauled*. When a ship is said to *haul her wind*, it implies that she had been going large or from it; and when she is said to *keep her wind*, the meaning is, that she continues to go close hauled. — *Bear down, or edge down*, is to go towards some object to leeward; to *bear away*, is to go away large, or from the wind; and the terms *bore up*, and *edged away*, are generally used to express a ship's having gone from the wind in order to avoid something that was a-head.

A ship CHANGES HER TACK when, from going close hauled with the wind on one side, she turns round so as to go close hauled, or nearly so, with the wind on the contrary side; and this change is effected, either by tacking, or by wearing. *To tack, or stay a ship*, is to turn her head round against the wind; and therefore it requires, that there be a pretty good breeze of wind, that the sea be tolerably smooth, and that all, or most of her plain sails be set. When the helm is put a-lee (to the lee side) the action of the head-sails are taken off for the moment, in order that the helm and the after-sails may bring her head more quickly to the wind. As her head comes to the wind she loses her head-way, or forward motion, the after-sails are becalmed, and the helm very soon loses its power: but the head-sails having taken a-back, i. e. the wind blows upon the fore-side of them, they, by their oblique direction, force her head to continue its motion round. When the
wind

wind is right a-head, or nearly so, the after-sails, being then becalmed by the foresail and foretop-sail, are hauled round by the braces and bowlines, and properly trimmed; as soon as her head has crossed the line of the wind, the forestay-sail and jib are made to act; and when her head has gone so far round as to bring the wind to blow into, or *fill* the after-sails, the head-sails are also hauled round and trimmed: the tacking business is then completed, and the ship is again under the command of her helm.—A ship is said to *miss stays* when her head, instead of passing the wind-line, comes back again; this is generally owing to the roughness of the sea, the want of a sufficient quantity of wind, or of proper sail; and it sometimes happens through the mismanagement of the commanding officer, who is then said to have *balked the ship*.

WEARING, as to its manner, is just the reverse of tacking: in performing it, the helm is put a-weather, instead of a-lee; and the action of the after-sails are in some measure taken off, in order that the head-sails may more quickly turn her head away from the wind. In this operation, the helm, instead of losing its commanding power, acquires more, by the increased velocity of the ship: when she is right before the wind, the after-sails should be trimmed as quick as possible, and the head-sails should follow as she comes to the wind on the intended tack. As a ship in wearing, however little sail she may have set, is always under the command of her helm, she may be stopped in any part of her curvilinear movement, in order to go clear of any ship that may happen to be in her way, or to give more time for trimming her sails.

A ship is said to WORK, TURN, or PLY TO-WINDWARD, when she goes close hauled on each tack alternately; and as ships generally lay within six points of the wind close hauled, they will continue to *gain* to-windward whilst they make less than two points lee-way.—LEE-WAY is the difference between that point of the compass on which the ship lays when close hauled, and that on which she actually proceeds; and it is more or less, in proportion to the quantity of the wind, the sail that is set, and the state of the sea. In order to render this more plain, I shall suppose a ship, with the wind at west, wanting to get to a place which lies *two miles* directly to-windward, and that, by trimming her sails properly, she can lay within six points of the wind: in that case she may accomplish her design by standing, or going, about *three miles and a half* on each tack, provided that she makes no more than *half a point* lee-way; if she makes *one point* lee-way, she must go *five miles* on each tack; if she makes *a point and a half* lee-way, she will be obliged to go *ten miles* on each tack; and if she makes *two points* lee-way, she cannot fetch any nearer to it on either tack; because, though she will lay south-south-west on the starboard tack,
and

and north-north-west on the larboard, the two points lee-way will occasion her going South one way, and North the other, which will only be going backwards and forwards upon the same line. The lee-way is pretty accurately known by observing the ship's *wake*, or path which she leaves behind in passing through the water; it will always shew, when the ship is steered steady, whether she goes straight forwards, or is forced by the wind and waves, to leeward of that line.—To be IN THE WAKE of a ship, is to be right a-stern of her; which is easily known by her masts being in one, or in a line with each other, when viewed from the ship that is in her wake.—To LAY UP for any thing, is to point at it when close hauled: To FETCH a thing, is to get so far to-windward as to reach it close hauled: and to WEATHER any thing, is to go to-windward of it. WEATHER-GAGE, is the state of being to-windward: and to make A COURSE GOOD, is either to go without making any lee-way, which is seldom the case at sea, or it is the course she actually makes when lee-way is allowed. When the motion of one ship close hauled, respects that of another in the same predicament, lee-way need not be regarded; for as both may be supposed equal in their lee-way, every relative consequence will be the same as though they went straight forward.—To render any *course* properly and fully *made good*, or true, there is another allowance necessary, namely, the VARIATION of the Compass; it is sometimes to be added to, and at other times subtracted from, the lee-way, according as the former is *east* or *west*, and the ship is on the *starboard*, or on the *larboard* tack. In the British Channel the variation has been *westerly*, increasing, for many years, viz. from 1660, and is now near two points, or about twenty-two degrees; that is, the magnetic north, or that which attracts the needle, is now *two points* to the westward of the true north point of the world: hence the needle, when acting properly, will point about twenty-two degrees west of the true north; and the *north-north-east point* of the Mariner's compass, will represent the true *north point*.

To be in A LINE OF BATTLE A-HEAD A CABLE'S LENGTH ASUNDER, is to be formed in the wake of their leaders, at the distance of two hundred yards from each other.

A ship is said to be LAYING-TO, when she lays driving to leeward with her helm a-lee; and the quantity and direction of her drift will always be according to the quantity of the wind, the swell, and the sail she is under. The direction of a ship's drift, in laying-to, is generally from the lee-bow to two points before the beam; or, in other words, from four to six points to leeward of that on which she lays with her head: a ship's head, in laying-to, continues nearly the same as though she were going close hauled. If a ship lays-to without any sail, which in sea language is called TRY-
ING

ING A-HULL, she will make about seven points lee-way, or drive only one point before the lee-beam. If a ship lays-to under her topails, which is generally the case *in battle*, or when they wait for any thing, the main or the foretopail is laid a-back, or to the mast; i. e. the yards are braced so that the wind, by blowing upon the fore-part of the sail, blows it back against the mast. — BROUGHT-TO, is the act of laying a ship to: but to COME-TO, is to come to an anchor: and to GET UNDER WAY, is to get under sail after laying at anchor.

To SET UP A SHIP'S RIGGING, is to tighten her *stays*, *shrouds*, and *backstays* by the help of pullies. — CHANNEL CHAIN-PLATES, are strong iron chains and plates bolted to the sides of the ship, to which the *lower shrouds* and *topmast-backstays* are fastened. — A BULK-HEAD, is a partition extending across from one side of a ship to the other.

The LOG is a small piece of thin board of a quadrantal form, loaded in the circular side with lead sufficient to make it swim upright in the water, in order to prevent its following the ship whilst in that position: to this the log-line is fastened, which being divided into equal portions, called knots, each knot bearing the same proportion to a mile, that the glass by which it is hove does to an hour, it follows that, so many knots as the ship runs from the log, during the running of the glass, so many miles she is deemed to go in an hour. By stopping the line and giving it a smart jerk, a peg is pulled out of one corner of the log, it then swims flat upon the water and is hauled in with ease.

The MARINER'S COMPASS is divided into thirty-two points, eight of which are well known, viz. the four cardinals, North, East, South, and West; with their intermediates, north-east, south-east, south-west, and north-west. The spaces between these eight are again bisected, or divided into two equal parts, by the following points, viz. north-north-east, east-north-east, east-south-east, south-south-east, S. S. W.—W. S. W.—W. N. W.—and N. N. W. The situations of these eight are clearly expressed by their several denominations; north-north-east is that point which is midway between the north and the north-east; the east-north-east, is that which is equidistant from the east and the north-east; and so on with all the others of this class. Again, the spaces between the fore-mentioned sixteen points, are each divided into two equal parts by other sixteen, which are all distinguished by the preposition BY, namely, north and *by* east, north-east and *by* north, north-east and *by* east, east and *by* north, and so on. The latter sixteen are those points which are next on each side of the first eight, and may be more easily understood by expressing them thus, *north* a point *easterly*, *north-east* a point *northerly*, *north-east* a point *easterly*, *east* a point *northerly*, and so on through all the similar points.

A N
A D D R E S S

T O T H E

Hon. Admiral AUGUSTUS KEPPEL.

S I R,

WHEN the late enquiry into your conduct, as commander in chief of the British fleet, on the 27th and 28th of July last, is duly considered, you will naturally suppose that your fellow-subjects, in general, must think themselves greatly interested; and that several of those who have been *bred to the sea*, will form their own opinion on the premises.

As one of the latter class, I beg leave to say, that I always thought your official letter contained a very unsatisfactory account of the engagement; and, considering our fleet to have been superior to that of the enemy, I could not avoid thinking that more might have been done. Under this persuasion, I not only conversed occasionally on the subject, but even stood forth publicly against two authors who had exhibited sentiments very different from those I professed. Having no other information than what the British and French Gazettes afforded me, the one *defective* and the other *fallacious*, I was in hopes of obtaining a more satisfactory account of the matters in question; but in this I was much mistaken: my opponents remained silent, and my expectations were frustrated. In this situation of things, the first efforts of your friends were, according to an inviolable rule with the *minority*, directed against admini-

B

stration:

stration : your want of success against the enemy was charged to the nature of your instructions ; and those very hands, which had formerly been represented as having nobly disdained to wear the ministerial chain, were then said to have been shamefully tied up.—Here, however, the important matter did not rest long.

In the General Advertiser of the 15th of October, Sir Hugh Palliser was charged with having been the cause of your not re-attacking the French fleet in the afternoon of the 27th of July last ; and, on the 5th of November, Sir Hugh's letter, with an annexed account of the transactions of that day, appeared in the Morning Post. The apparent design of this publication was, to repel the above news-paper attack ; and it threw much new light on the subject. In consequence of this letter you declared, to the first lord of the Admiralty, that you never would go to sea again with the vice-admiral : your minority friends in the two houses took an active part in the business ; they urged the necessity of an immediate inquiry ; and, on the 2d of December, a minority member * of the house of commons, we are told, called upon you, and the vice-admiral, to “ afford the house some
“ satisfaction relative to the affair off Brest on the 27th
“ of July last.” Being thus called upon, you was said to have declared, “ That the signal for the vice-admi-
“ ral to bear down into the Victory's wake, in order to
“ re-attack the French fleet, was up from three in the
“ afternoon till eight at night ; and that it was a matter
“ known to many, very many persons. That when you
“ considered the judgment, the known skill, and the
“ bravery of the vice-admiral, you had thought no more
“ about it ; that you had, in your dispatches to the Ad-
“ miralty, spoken in terms of approbation of the vice-
“ admiral's conduct : *that* was your account of the ac-

* The honourable Temple Luttrell.

“ tion, and having given it under your hand, it was not
 “ likely that you should insinuate any thing in opposition
 “ to it.”

This, Sir, was directly charging the vice-admiral, not only with *disobedience* of your orders, but also with being the cause of your not *re-attacking* the French fleet : and it is no wonder that Sir Hugh could not remain easy under so heavy a charge. It seems, however, that you was mistaken in saying, that the signal for the vice-admiral to come into the *Victory's* wake, was up from *three* in the afternoon till *eight* at night ; for, according to the evidence of the captain and the purser of the repeating frigate, it was not hoisted until *twenty-four minutes past three*, and continued flying only *six* minutes ; it was hauled down at *thirty minutes past three*, and it was not hoisted again until *thirteen minutes after six*. This, Sir, deserves a serious consideration ; but I shall proceed to what appears to be still more material. Although the very intention of government, in equipping and sending out that formidable fleet under your command, was, according to the above account, *defeated* by the disobedience of Sir Hugh Palliser, yet, astonishing to tell ! when you considered the *judgment*, the known *skill*, and the *bravery* of the vice-admiral, you thought no more about it. The most liberal construction that I can put upon this part of your conduct is, to suppose the *patriot* to have been lost in the *friend* ; but here the verbal message * which you sent to the earl of Sandwich, by captain Faulknor, with your subsequent explanation of its ob-

* “ Give my compliments to Lord Sandwich, and tell him I have more to say to him than I think is proper to put in my public letter ; and, if it is his Lordship's pleasure to ask me any question, I am ready to wait on him.” Captain Faulknor said, he delivered this message twice to Lord Sandwich : and the admiral told the court, that a complaint against Sir Hugh Palliser, for disobedience of his orders, was its object !

ject, stares me in the face ! To praise the vice-admiral publicly, and, at the same time, to endeavour to accuse him privately, is surely repugnant to every idea of friendship.

On the 9th of December, Sir Hugh Palliser exhibited his charge against you, at the Admiralty, for misconduct and neglect of duty ; and, after trial, you was honourably acquitted on the 11th of February. However I may have differed in my opinion, with respect to some of the facts which appeared in the course of your interesting trial, I forbore the publication of my sentiments, from a persuasion that little good could be expected to flow from any further agitation of that subject. But, alas ! the late behaviour of the patriotic party has greatly exceeded the bounds of *moderation* and *decency* ; and, in my opinion, it calls for the serious attention of every real friend to Britain. Not contented with the honourable acquittal of their minority friend, the houses of parliament were moved for addresses of thanks ; and the public, in many instances, have been forcibly required to regard you as though you were somewhat superior to human rank.

Much has been said against that gentleman * who opposed the motion for an address of thanks in the house of commons ; but, in my opinion, he acted as became a truly independent British senator. Uninfluenced by party, and regardless of adverse numbers, he honestly followed the dictates of his conscience ; he exhibited a conduct worthy the imitation of all his fellow-members ; and he deserves to be highly applauded. *Fall down and worship*, was once the impious command of an Assyrian monarch to his Chaldean slaves : but shall the freest and best constituted people on earth, become the dupes of an unprincipled faction ? or shall they *bow the knee* to the *Baal*

* Mr. John Strutt, one of the members for Malden in Essex.

of any political party? God forbid that we should ever so far forget our privileges and our duty.—May we ever consider ourselves as the subjects of a *Prince who delights in the freedom and happiness of his people*; may we spurn at every unjust claim of our arbitrary fellow-subjects; and may we, on every occasion, act worthy of our characters as Britons, and as men.

Although, Sir, I can no more question your attachment to the minority, than I can doubt of my own existence, yet I am very far from thinking that you ought to be censured for the conduct of your friends, or for the late wanton behaviour of some of the populace, on your account. Be assured, Sir, that I have a much better opinion of you, than to suppose you capable either of approving of all that has been done by the former, or of abetting the latter in their excesses. I can truly say, I expected that much would have been done by our grand fleet under your direction: I had long entertained a high opinion of your abilities as a naval officer; and, since the engagement, I have often lamented the poor account you gave of the enemy's fleet. The nation, at that juncture, seemed to be in so critical a situation, that I was utterly incapable of repressing my anxiety. Whether we are now secure from that danger, which then seemed to threaten us, I will not take upon me to say; but, as a great maritime kingdom, I think we have some reason to fear the consequence of our late conduct towards you. As so much honour has been conferred, where so little seems to have been done to deserve it, we must naturally conclude, that future encouragement will be considerably impaired.

I have attentively perused your defence, with the introductory matter, and, as I apprehend it to be questionable in many particulars, I shall take the liberty to offer a few remarks on the subject. I mean, Sir, to view the
im-

important matters, to which it relates, *with a seaman's eye*; and, in doing so, I wish to manifest that respect which is justly due to your *birth*, to your *rank* as a naval officer, and to the several *services* which you rendered your country in the course of the last war.

In the introduction to your defence, you say, “ If
 “ every subordinate officer can set up his judgment against
 “ that of his commander in chief; and after several
 “ months of insidious silence, call him to trial, when-
 “ ever he thinks it useful for clearing away imputations
 “ on himself, or in order to get the start of a regular
 “ charge, which he apprehends may possibly be brought
 “ on his own conduct, there can be no service.”

I readily grant, Sir, that no subordinate officer ought to set up his judgment against that of his commander in chief, so as to hinder or impede the exercise of his official power; but, surely, the latter may afterwards be called to an account by the former; and if a subordinate officer be convinced that his superior has acted highly unworthy of the trust reposed in him, it is his duty, as a member of the community, and as a servant of the public, to bring him to justice. However just your charge, concerning several months of *insidious silence*, may be, I am persuaded that it falls with accumulated weight on yourself.—But more of this hereafter.

I cannot conceive how Sir Hugh Palliser, by bringing you to trial, could expect to clear away imputations on himself: nor do I believe that it was his interest to get the start of any regular charge, which he might apprehend to have been meditated against his own conduct. If he really knew himself to have been guilty of disobedience of orders, he must also have known that his crimination would necessarily be involved in your trial; and that you would be justly entitled to plead it in your defence. I consider the right of a subordinate officer to arraign the
 conduct

conduct of his superior, as having a tendency to *promote* the public service ; and I am clearly of opinion, that no irregular imputation, thrown out by the latter, ought to prejudice the former in the prosecution of a charge legally exhibited ; more especially when the supreme in command has been previously called upon to substantiate his accusation by a legal process.

“ In your examination (said you to the court) into
 “ that judgment which my officer, in order to depreciate
 “ my skill and to criminate my conduct, has thought
 “ proper to set up against mine, you have very wisely,
 “ and according to the evident necessity of the case, called
 “ for the observations and sentiments of all the officers
 “ who have served in the late engagement : so far as they
 “ have been brought before you by the prosecutor, I
 “ take it for granted, you will follow the same course
 “ with those that I shall produce.—I am astonished, that,
 “ when an officer is accused by another of crimes, which,
 “ if true, must be apparent to a very ordinary observa-
 “ tion and understanding, that any witness should, on
 “ being asked, refuse to declare his free sentiments of the
 “ manner in which the matters to which he deposes have
 “ appeared to him : I never wished that any gentleman
 “ should withhold that part of his evidence from tender-
 “ ness to me ; what motives the accuser had for object-
 “ ing to it, he knows. The plainest and fullest speak-
 “ ing is best for a good cause. The manifest view and
 “ intention that things are done with, constitute their
 “ crime or merit. The intentions are inseparably con-
 “ nected with the acts ; and a detail of military or naval
 “ operations, wholly separated from their design, will be
 “ nonsense.”

Although I am far from wishing to find fault with any who were concerned in your important trial, I think it my duty to say, that I differ much in my opinion from
 some

some of them. In matters of *fact* I wish to credit every speaker ; but, in matter of mere opinion, I am resolved to judge for myself. As a Briton, I conceive I am fully entitled ; and, as a seaman, I think myself in some degree qualified to form my opinion on the facts adduced, without regarding that of the *accuser*, the *accused*, the *witnesses*, or the *court*.

If the court really employed themselves in the examination of *that* judgment, which your accuser thought proper to set up against your's, I cannot avoid thinking that they mistook the true object of their inquiry. The business of the court, Sir, if I mistake not, was to examine into *your* conduct ; and to see whether it corresponded with all, or with any of the charges exhibited by your accuser. The court, certainly, acted *very wisely* in collecting the *observations* of the several witnesses ; but I cannot see either wisdom in, or necessity for, their strenuous endeavours to obtain the *sentiments* of all the officers who served in the late engagement.

You have thought proper to express your astonishment, that any officer should have refused to declare his free sentiments of the manner in which the matters, to which he had sworn, appeared to him ; because the crimes of which you had been accused, must, if true, have been apparent to a very ordinary observation and understanding. In my opinion, Sir, every witness was bound by his oath to declare the manner in which the several matters or *facts*, respecting the charge, appeared to him : but I am astonished to find that many of them have been pressed to deliver their *opinions* ; even such opinions as had a direct tendency to *acquit*, or to *criminate* the person accused !

The plainest and fullest speaking is surely best for a good cause ; and I readily grant that the manifest view and intention that things are done with, constitute their

crime or their merit. But who, Sir, are to judge of the matters in question? The witnesses are to inform the court what things were done; and the court is to judge of their criminality or their merit. That the intentions are inseparably connected with the *acts*, in order to constitute them criminal or praise-worthy, is true; but are *acts* always marked with those distinguishing characters? Outward *acts* are proper objects of sense; but the *intentions* of the actor lie frequently hid from human view.—Whether a detail of military or naval operations, wholly separated from their design, be *nonsense*, I shall not at present enquire: but I beg leave to say, that the witnesses do not seem to have given what may properly be called a *detail* of the operations in question; and, in my opinion, no witness ought to speak positively to the designs of the actor, unless they appear so obviously that he cannot be mistaken concerning them.

You say, “The charge is read to a witness, as I apprehend, that he may discern how the facts he has seen, agree with the crimes he hears charged. Otherwise, I cannot conceive why a witness is troubled with that reading. The court can hardly enter fully into the matter without such information; and the world, out of our profession, cannot enter into it at all. These questions, I am informed, are properly questions of fact; and I believe it: they are perfectly conformable to the practice of court martials; but if they were questions to mere opinion, yet the court, not the witness, is answerable for the propriety of them.”

The charge, Sir, is read to a witness, as I apprehend, to enable him to discern how the questions propounded agree with it; and that he may, agreeable to his oath, furnish the court with such *facts* as may enable them to judge how far they agree with the crimes alleged. It may truly be said, Sir, that the court cannot *possibly*

enter into the matter without such information as this ; and that the world, out of our profession, cannot enter into it at all. Witnesses were asked, by a member of the court, whether they saw the honour of the British flag tarnished on the 27th or 28th of July ? And in order, I presume, to induce them to answer, they were told that the question went to a matter of fact, not to opinion * : “ I don’t ask your opinion, (said the pro-
 “ pounder) Did you see it ? ” The answer which was given to this question does real honour to the witness : “ No, (said he) if that is the meaning of your words,
 “ no, by no means in the world.” The truth, Sir, is, that the *honour* of the British flag is not an object of sense, and therefore, neither its *lustre*, nor its *tarnishing*, can possibly be seen. These are only matters of *opinion* which we form upon *facts* that we know ; and what one may think highly *honourable*, another may deem matter of great *disgrace*. How questions of *opinion* can *properly* be called questions of *fact*, I declare my incapacity to conceive. Facts really exist without us, and they are in themselves unalterable ; but opinions are framed in the human mind ; they are often the production of a strong imagination, and they are always subject to change.

Whether questions of opinion, which you have been pleased to call questions of fact, are perfectly conform-

* This *acute Examiner*, when Sir Hugh Palliser objected to his asking the first witness to declare his opinion on the admiral’s conduct, replied : “ In this point we can have nothing but opinion in regard to the admiral’s conduct, as people may differ in their “ opinions : ” but, upon finding several of the subsequent witnesses resolved to avoid answering questions of that description, the same member thought proper to call *that* which, according to his former declaration, could be “ nothing but opinion,” a matter of fact ; and, without either apologizing for his having antecedently called a *fact* a matter of *opinion*, or attempting to prove that he possessed the power of changing matter of *mere opinions* into matter of *fact*, he boldly asked the witnesses whether they had not *seen* that which he had, in effect, declared to have been *invisible* !

able to the practice of courts martial I will not take upon me to determine ; but I humbly presume, that such evidence is never admitted in any other court. — I readily allow that the court, not the witness, is answerable for the propriety of every *question*, whether it goes to mere opinion or not ; but the witness is certainly accountable for the propriety of every *answer* which he gives ; and, having bound himself, by his oath, to give nothing in evidence but the *truth*, matters of mere opinion are clearly excluded. The court, indeed, asserted their right to ask what questions they might think fit ; but they, in effect, admitted that matters of mere opinion were not proper evidence, by their leaving it to the choice of the witnesses whether they would, or would not, answer questions of that description.

You have said that you never wished any gentleman to withhold that part of his evidence from any tenderness to you : and I fully believe that you did not. After the member before alluded to, had frequently insisted on the propriety, and even the *necessity of such evidence*, you had much to hope, but nothing to fear, from the answers : if the witnesses declared their sentiments in your favour, your wishes were fully answered ; if they refused to declare them, you received no injury ; and if any of them had been hardy enough to have declared against you, that declaration would have brought them within the lines of suspicion ; they would probably have been deemed your *accusers*, and their evidence would have been rendered nugatory.

“ My accuser (say you) has conceived very mistaken
 “ notions of what my duty was ; and on that bad
 “ foundation he has laid the whole matter of his
 “ charge. In an extensive naval engagement, and in
 “ the movements preparatory to it, subordinate officers,
 “ if they are attentive to their duty, are fully employed
 “ in the care of their own particular charge ; and they

“ have but little leisure for exact observations on the
 “ conduct of their commander in chief : it is their bu-
 “ siness to watch his signals, and to put themselves in a
 “ condition to obey them with alacrity and effect. As
 “ they are looking towards one thing, and he is looking
 “ towards another, it is always a great chance whether
 “ they agree, when they come to form an opinion of
 “ the whole. You are sensible, gentlemen, that one
 “ of the things which distinguish a commander in chief,
 “ is to know how to catch the proper moment for each
 “ order he gives ; he is to have his eye on the enemy,
 “ the rest ought to have their eyes on him : if those
 “ subordinate officers, who are inclined to find fault
 “ with him, do not mark the instant of time with the
 “ same precision which he does, their judgment will
 “ often be erroneous ; and they will blame where, per-
 “ haps, there is the greatest reason for commendation.”

I will not pretend to say, how far Sir Hugh Palliser
 conceived mistaken notions of what was your duty ;
 woful experience has abundantly shewn that the best
 and ablest men have frequently been mistaken ; but I am
 inclined to think, that he wanted neither the ability nor
 opportunity requisite for forming a proper judgment on
 your transactions. I cannot admit that subordinate offi-
 cers ought to *continue* looking towards one object, and
 the commander in chief looking towards another ; or that
 the eyes of the former should be invariably fixed on the
 motions of the latter. In my humble opinion, a com-
 mander in chief should look towards his own fleet, as
 well as to that of the enemy ; and the subordinate offi-
 cers, although principally attentive to their supreme
 commander, ought, nevertheless, to pay some attention
 to the different situations and movements of the two
 fleets. A general survey of the two fleets is certainly
 necessary for the issuing of proper commands ; and a
 like view, by the subordinate officers, will greatly pro-
 mote

mote a judicious and prompt obedience. What you have said in another place, seems, in some degree, to be applicable here, namely : “ The intentions are inseparably connected with the acts ; and a detail of military or naval operations, wholly separated from their designs, will be nonsense.” This, Sir, needs no comment.

If I am to believe that the due attention of subordinate officers to their commander in chief, leaves them but little opportunity for looking at other objects, I must conclude that those officers who are able in their profession, will be well qualified to judge of such conduct as appears in that grand point of observation : or, in other words, they will be able to form a tolerable judgment on the conduct of their commander in chief. —In complaining of the witnesses, for refusing to declare their sentiments on the several articles of your accusation, you say, that the “ crimes, if true, must be apparent to a very ordinary observation and understanding.” This, Sir, appears to be directly repugnant to what you have said concerning the incompetency of the judgment of subordinate officers, and, in my opinion, it is incumbent on you to reconcile the jarring passages. Can I admit that the propriety of your official conduct was apparent to every witness, and at the same time believe, that it was utterly incomprehensible to the officer in the third post ? or must I suppose, that the *observation* and *understanding* of the vice-admiral of the blue, was even inferior to those which you are pleased to style *very ordinary* ? In the one case, you attempt to shew that the accusation, brought against you by Sir Hugh Palliser, was founded in ignorance ; and in the other, you endeavour to persuade the witnesses, that they have knowledge sufficient to declare you innocent. But such efforts, Sir, cannot diminish the knowledge of the former, nor can they possibly add to that of the
lat-

latter. No officer in the fleet could reasonably be deemed ignorant of your professional conduct, although many of them wisely refused to become your *accuser* or your *judge*.

As it would be extremely foreign to my present purpose to take notice of every exceptionable passage in your introductory speech, I shall pass on to that remarkably good consequence which, you say, flowed from the taking of the Pallas and Licorne frigates. “ The papers
“ I found in them (say you), and the intelligence I received by that means, filled me with the most serious
“ apprehensions. I was on the enemy’s coast with
“ twenty sail of the line ; there were thirty-two in
“ Brest Road and Brest Water, and frigates more than
“ treble my number. My orders to sail with twenty
“ ships could not have been upon a supposition of my
“ having to deal with such a force. I know what can
“ be done by English officers and English seamen ; and
“ I trust to it, as much as any man, I should not be
“ discouraged by some superiority against me in ships,
“ men, and metal ; but I have never had the folly to
“ despise my enemy. I saw that an engagement, under
“ such circumstances of decided superiority on the part
“ of France, would hazard the very being of this
“ kingdom.—I was filled with the deepest melancholy
“ I ever felt in my life ; I found myself obliged to turn
“ my back on France, but I took my resolution—I
“ again risked myself on my own opinion.—I quitted
“ my station : my courage was never put to such a
“ trial as in that retreat, but *my firm persuasion is, that the*
“ *country was saved by it.*”

That you was filled with the most serious apprehensions, by the intelligence you received on taking the French frigates, I do not mean to controvert ; but whether your conduct, on that occasion, was calculated to promote the honour and interest of your country,

shall be the business of my present inquiry. You say you was on the enemy's coast with twenty ships of the line, and that there were thirty-two in Brest Road and Brest Water, with more than treble your number of frigates. But what danger, Sir, could you apprehend from ships so harmlessly situated? You had seen thirty-two sail of the line upon paper; and, probably, the joint asseverations of your prisoners tended to corroborate that testimony: but could either, or both of them, afford you an indubitable proof, that there were thirty-two sail of the line then ready to advance upon the British fleet? I firmly believe, with you, that your orders to sail with twenty ships, could not have been upon a supposition of your having to deal with such a force. And, in my opinion, nothing but urgent necessity could have justified you, in seeking an engagement with such a superiority on the part of France.

Although you have had several opportunities of seeing the gallantry of English officers and English seamen, I do not think that you, or any man, knows the utmost that they are capable of performing. All Europe, a few of our *worthy patriots* excepted, acknowledge their superior bravery and professional skill. In short, Sir, the superiority of British seamen is now so fully established, that they can acquire but little honour by an engagement with a ship of equal force, unless the enemy prove uncommonly brave. I could point out the matchless prowess of our seamen in a number of instances, as well in our merchant-ships as in the navy, but a recent one in each service shall suffice for the present: The *Rose letter of marque*, capt. James Duncan, of twenty-two six-pounders, and sixty men, on her passage from Florida to New York, last summer, fell in with Mons. D'Estaing's squadron, and was chased by one of the frigates of thirty-two twelve-pounders,
and

and three hundred and twenty men. An engagement soon followed, which lasted six hours and a quarter, when captain Duncan, finding his ship to be sinking under him, was obliged to strike; the water was then near coming in at the port-holes, and she actually went down before they had been out of her a quarter of an hour. The whole French fleet, of twelve sail of the line and three more frigates, were spectators of this gallant defence, and not more than three miles off, but were prevented from getting up by the wind's dying away. When captain Duncan struck, he had only forty-four men left fit for duty; the loss on the side of the French was so considerable, that they thought proper to conceal it. With respect to the navy, I shall briefly observe that, on the 14th of March, lieutenant Knell, of the Rattlesnake cutter, *saw, chased, fought, and conquered*, two French cutter privateers, of almost treble his force in *men and metal* †!—Let all our fellow-subjects, when duty calls, imitate their gallant example; and may our proud *perfidious foe* long remember those British deeds, with admiration and terror.

You say, that you was filled with the deepest melancholy you ever felt in your life, by finding yourself obliged to turn your back on France. That you quitted your station; and that your courage was never put to such a trial, as in that retreat. Whatever melancholy you might experience on that occasion, I beg leave, Sir, to say, that I cannot see any absolute necessity for your having turned your back on France; and still less for your retreat to Portsmouth. By communicating your intelligence to the Board of Admiralty, ships might have been sent to reinforce you at sea, as in fact they after-

† Were we to proceed to other instances of our naval gallantry, in the present war, those of a BARRINGTON, a BAZELY, a REYNOR, a WALLACE, &c. would demand my attention.

wards were. Whilst the enemy continued in Brest, they could neither intercept your reinforcements nor molest you. Your fleet might have been kept on, or near the coast of France, and yet have been but a few hours sail from that of Britain. As the French ships could not get out of Brest water but in the day-time, you might have had timely notice of their approach; after such information, you would have been abler to have weighed the circumstances on both sides, and a retreat, if then found necessary, might have been justified as the dernier resort.

Although you endeavour to make us believe that the enemy, when you thought them superior in force, was bent upon the destruction of your fleet; you seem to think they had very different objects in view, when ye came in sight of each other, after your reinforcement. You say: “ Many objects of the French, and those very
 “ important, might be obtained without a battle. On
 “ my part, I had every motive which could make me
 “ earnest to bring it on, and I was resolved to do so
 “ whenever, and by whatever means I could. I should
 “ be criminal indeed if I had not, for I had every mo-
 “ tive for desiring to press on an action; the greatest
 “ body of the British trade was then on its return home.
 “ Two East-India and two West-India fleets, of im-
 “ mense value, were hourly expected; from the course
 “ it was probable they would hold, and from the situa-
 “ tion of the French fleet, they might be taken in my
 “ fight without a possibility of my preventing it.—I
 “ had also other reasons for the greatest anxiety to bring
 “ on an engagement upon any terms that I could obtain
 “ it. These reasons are weighty; and they are founded
 “ in my instructions. I gave notice to the Admiralty,
 “ that I might find it useful to my defence to produce
 “ those instructions on my trial. They communicated

“ to me his majesty’s pleasure thereupon, and informed me
 “ that they could not consent that my instructions should
 “ be laid before my counsel, or be produced at the
 “ court martial.—The world will judge of the wisdom
 “ and equity of ordering trials under such circum-
 “ stances.”

Whatever objects the French admiral might have in view, I am in no danger of erring when I say it was your duty to have brought him, as soon as possible, to a decisive battle : but, at the same time, I am far from thinking that you should have done it by *any means whatever*, or *upon any terms that you could obtain it*. Such expressions, Sir, do not seem to agree very well with your cautious conduct in returning to Portsmouth for a reinforcement. I conceive them to have been used as an *apology* for the manner of your engaging with the enemy ; and some may probably think, that your antecedent retreat was intended to convey a *censure* on the lords commissioners of the Admiralty. However pleasing your *retreat* may have been to your *Minority friends*, “ my firm persuasion is,” that the honour of your country, if not its interest also, has been materially hurt by it.”—The French, by getting to windward, in consequence of your laying-to during the first night after you came in sight of each other, were certainly in a situation to have taken some of our merchant ships, if they had come in their way ; but such a circumstance would, probably, have given you an opportunity of coming into action with advantage. The enemy, in getting the weather-gage, had only taken that advantage which you had given them : and, whatever weighty reasons there might be founded in your instructions, an attempt to bring on an engagement upon *any terms*, would, in my humble opinion, have been putting every valuable purpose of a battle to an unwarrantable hazard.

You

You say, that your request for leave to produce your instructions, on your trial, was denied you ; and you complain of being thereby deprived of “ the fair and natural means of your justification.” But you had before said, that you “ was entrusted with ample discretionary power for the immediate defence of the kingdom.” And the public papers inform us that, when this business was afterwards agitated in the house of commons, lord North called on you to remember, that on your application, word had been sent you, that any part of your instructions that went to the charge exhibited against you, which you should point out, should be immediately copied and transmitted to you ; but that it was thought *unwise* and *unnecessary* to lay your whole instructions before the public, just at present. If this, Sir was really the case, and I cannot see any reason to doubt it *, the world will judge of the *wisdom* and *equity* of your complaint.

“ On my first discovering the French fleet, (say you)
 “ at one o’clock in the afternoon of the 23d of July,
 “ I made the signals for forming my fleet in the order of
 “ battle, which I effected towards the evening, when,

† Mr. Stephens, in his letter dated Admiralty Office, 21st of Dec. 1778, informs you that, “ His lordship (lord Weymouth) has
 “ in return informed them (the Lords Commissioners of the Admiralty) that it is his Majesty’s pleasure they should signify to
 “ you, that you must be sensible that there are parts of your instructions which cannot be divulged without great detriment to
 “ the state. I am commanded by their lordships to signify the same
 “ to you accordingly ; and to inform you in further answer to your
 “ letter of the 10th instant, that they cannot consent that the whole
 “ of your said instructions, and the correspondence above mentioned, should be laid before your counsel, or be produced at the
 “ court-martial ; but if you will point out any parts of the said instructions or correspondence, which, in your opinion, have any
 “ relation to the operation of the fleet on the 27th and 28th of *July*
 “ last, you will be permitted to make use of them in the manner
 “ you desire, if there shall appear to be no objection of the nature
 “ above mentioned.”

“perceiving that the French fleet had gained the wind
 “during the night, and carried a pressed fail to preserve
 “it, I discontinued the signal for the line, and made the
 “general signal to chase to windward, in hopes that they
 “would join battle with me, rather than suffer two of
 “their capital ships to be entirely separated from them.”

In order to judge of the propriety of your laying the fleet to, during the night of the 23d, it will be necessary to quote some passages from your letters to the Admiralty, by the Peggy and Union cutters, dated the 23d and 24th of July, 1778. In that of the 23d, you say :
 “At four o’clock, the weather clearing *, it was perceived the French was standing from the king’s fleet
 “to the N. E. I immediately made the signal for the
 “fleet to wear, still keeping the signal for the line of
 “battle a-head, only changing it for the ships to bear
 “N. E. and S. W. of each other, and set much sail,
 “though, I fear, without possible hopes of coming up
 “with the French ships this afternoon, unless they are
 “as desirous of closing as I am.—I fear the object of
 “the French is to get in with their own coast.”—In that of the 24th, you say : “I dispatched the Peggy
 “with my letter to you yesterday afternoon ; and about
 “one hour after she left me, the French fleet tacked and
 “stood towards the king’s fleet ; they nearly steered for
 “us, the wind at W. N. W. As night was so near,
 “and action at night always to be avoided, I brought
 “the fleet to, on the larboard tack, leaving the option
 “in the French : it blew very hard, in the western
 “quarter, great part of the night, and in the morning
 “the French fleet were seen to the N. W.”

From the above accounts, Sir, I must understand, that you stood after the French fleet with *much sail set*, whilst you thought there were no possible hopes of coming up

* It had been very foggy.

with

with them, *unless they were as desirous of closing as you was* ; and that, as soon as the French fleet tacked and stood towards the king's fleet, you brought to, on the larboard or contrary tack : or, in other words, standing no way at all, you left it in the option of the French admiral to do as he pleased. He did so ; and, instead of endeavouring to get in with their own coast, as you *feared*, he got some leagues to the north-west (to the windward) of you in the night ! As it was utterly impossible for them to get there by any other means than that of tacking and working to windward, I am surprised to find a member of the court repeatedly asking one of the witnesses, whether he knew that the French fleet did not stand all night upon that tack * ? One of your witnesses says : “ On the close of the evening of the 23d, they got about a dozen ships formed ; they then stood towards the British fleet, passed to leeward, and next morning we saw them to windward.” When the French passed your fleet to leeward, they must have intended either to *go off*, or to get the *weather-gage* in the night ; and your laying-to all night, on the contrary tack, rendered the accomplishment of their design absolutely certain.

The French admiral, by getting to windward of the British fleet, was enabled to avoid coming to action until a favourable opportunity presented itself ; and he actually did avoid it until the 27th. Several endeavours have been made to shew that their not bearing down to engage on the 24th, 25th, or 26th, amounts to a proof of their intention to avoid fighting altogether : but it has appeared, that they could not have fought their lee lower-

* This sagacious admiral might as well have supposed it possible for them to have got into the planet *Saturn*, by continuing to stand all night on that tack : for, whether the French went to leeward, or fetched to windward of the British fleet, on the starboard tack, it was impossible for the former to get so far to windward of the latter without tacking.

deck guns on either of those days, on account of the wind and sea : and although a British admiral would be justified in attacking a French fleet under such circumstances, I am clearly of opinion that a French admiral would be extremely blameable, if he was to bear down and engage a British fleet under any material disadvantage. Count d'Orvilliers knew that there was no danger of your taking French leave of him ; but as they are apt to slip away from a British fleet, of an equal, or a superior force, an immediate battle would have been the best security for a British admiral in his situation.

You tell us, that, when the day broke on the morning of the 27th of July, the fleet under your command was in the following position : “ Vice-admiral Sir Robert
“ Harland was about four miles distant, on the Victory's
“ weather-quarter, with most of the ships of his own
“ division, and some of those belonging to the center ;
“ and vice-admiral Sir Hugh Palliser at about three
“ miles distance, a point before the lee-beam of the Vic-
“ tory, with his main-sail up, which obliged the ships
“ of his division to continue under an easy sail.”

In saying that the Formidable's main-sail being up, obliged the ships of that division to continue under an easy sail, you should, I presume, have excepted the Ocean. It appears that that ship had fallen to leeward by springing her main-top-mast on the Sunday morning ; that she had worked with all the sail she could carry all night, to fetch into her station ; and that, in the morning, she was full four miles a-stern. This, Sir, I firmly believe to have been the *true reason* why the vice-admiral, and the other ships of his division, were then under an easy sail.

At half past five o'clock in the morning, when you made the signal for six ships of the vice-admiral of the blue's division to chase to windward, you say : “ Both

“ the

“ the fleets were then on the larboard tack, the enemy’s
 “ fleet were near three leagues to windward, going off
 “ close by the wind with a pressed sail ; my reason, there-
 “ fore, for making that signal at half past five, was to
 “ collect as many of the ships to windward as I could,
 “ in order to strengthen the main body of the fleet, in
 “ case I should be able to get to action, and to fill up
 “ the interval between the Victory and the vice-admi-
 “ ral, which was occasioned by his being far to leeward ;
 “ and it is plain that the vice-admiral must have himself
 “ understood the object of the signal, since it has ap-
 “ peared, in the course of the evidence, that on it’s be-
 “ ing made, the Formidable set her main-sail, and let
 “ the reefs out of her top-sails : and, indeed, the only
 “ reason why it was not originally made for the whole
 “ division was, that they must have then chased as a di-
 “ vision, which would have retarded the best going ships,
 “ by an attendance on the vice-admiral.”

You have represented the enemy as *going off* close by the wind with a pressed sail. If, by thus expressing yourself, Sir, you only mean that they were going off from the coast of France, I readily admit that they were doing so ; for, with the wind at south-west, they were standing west-north-west, the same as you : but if, by going off, you mean that they were *flying*, or endeavouring to run away from you altogether, I beg to be excused from assenting to the proposition. As I do not find that the French fleet ever endeavoured to outfail you, in open day, towards their own coast ; or ever attempted to jockey you, by altering their tack, or course, early in the night ; it is *impossible for me to believe that they had any intention of losing sight of you.*

You say, that your reason for making the signal for six ships of the vice-admiral of the blue’s division to chase to windward, was to collect as many ships to windward

as

as you could, in order to strengthen the main body of the fleet, in case you should be able to get to action, and to fill up the interval between the Victory and the vice-admiral, which was occasioned by his being far to leeward. This, Sir, appears to be a very strange account; and, in my opinion, it deserves a serious consideration.

Of the six ships which chased to windward by signal, I find that two were situated between the Victory and the Formidable, viz. the Robuste and the Terrible; two were a-head of the Formidable, namely, the Egmont and the Worcester; and that the situation of the other two, the Elizabeth and the America, is not described. At the time that these ships left their flag, by your orders, I find the Formidable was situated as follows: the Victory one point abaft her weather-beam, distant three miles; the Ocean three points on her weather-quarter, distant more than four miles; the Ramilies more than a mile upon her weather-beam; and the Defiance on her lee-quarter, without any distance mentioned. Thus, Sir, was the vice-admiral of the blue left with only three ships of his division, besides the Formidable, one of which was more than a mile to windward, another above four miles on the weather-quarter, and the third at an indefinite distance on the contrary side.

If, in case of getting to action, you really thought it necessary that the body of the fleet should be strengthened by six ships of the blue division, previously collected to windward for that purpose, you surely could not think that the remaining four, to say the least, would be *equally safe*. Again, if there was an interval between the Victory and the vice-admiral, it must have been increased by some of the chasing ships quitting their stations to windward of the Formidable; and supposing that most, or even all the ships that chased, had been called back to join the body of the fleet, between the Victory and the
vice-

vice-admiral of the blue, that would have done but little towards filling up the interval complained of, although it certainly would have changed it : i. e. instead of the former interval between twenty ships, and ten ; it would then have been between twenty-six ships, and four. But the fact, as it appears by the evidence, is, that they were not called back at all ; that the firing began in the van, at fifteen minutes after eleven o'clock ; and that the chasing ships, after having been much separated from the fleet and from each other, were entirely left to their own discretion.

In cross-examining one of the witnesses, you endeavoured to prove, that the chasing ships, had they tacked when the witness did, would have got into action as soon as he did ; and that, if they were extended and scattered, it was not the fault of the chasing signal, but must have been owing to their continuing so much longer on the larboard tack.—I readily admit that the chasing ships were more extended, and also later in getting into action, by their not tacking when the witness did ; but this does not prove that their continuing longer upon the larboard tack was contrary to the true meaning of the signal under which they were then chasing. One witness said, that ships in chasing to windward by signal, without having any known object in view, were not, in his opinion, authorised to tack of their own accord, unless to prevent their going out of sight of the admiral's signals. In the case now under consideration, there does not appear to have been any *known* object in view ; for the commanders of the chasing ships declare, that they conceived very different opinions on that head : one considered a junction with the admiral as its object, and others thought they were to endeavour to bring the enemy to action.—But how, Sir, could their continuing longer upon that tack occasion their being *extended* and *scattered*, if the chasing

E
signal

signal had not a direct tendency to produce that effect ! Whatever were the effects of the signal when the witness tacked, they must have continued the same as to quality, and the subsequent continuance of the other ships upon the larboard tack could only augment their quantity. But, beyond all contradiction, the signal to chase to windward had a direct tendency to extend and scatter the chasing ships, not only from the fleet, but also from each other ; and the five ships, by their continuing to stand on, for about half an hour after the witness tacked, could only occasion a greater increase of those effects.

You likewise endeavoured to prove, by the witness before alluded to, that a signal to chase to windward does not direct those ships to whom it is made to stand five hours upon that tack on which they set off ; but to tack and ply to windward in the wind's eye. This, Sir, I conceive to have been another feeble effort to justify your signal at the expence of the chasing commanders, more especially of those five who did not tack so soon as the witness : but, as they were then within sight of your signals, and not certain of the true object of their chase, that censure which you have attempted to fix upon them, recoils on yourself. Had you thought proper to have ordered the chasing ships to tack sooner, that circumstance could not have obviated the natural effects of the signal, though it certainly would have lessened them. In order to illustrate this point, I shall suppose, that two ships are ordered to chase to windward ; that their comparative rates of sailing, close hauled, are as 19 is to 18 ; that the slowest sailing ship is close a-stern of the other, when they begin to chase on the larboard tack, with the wind at south-west ; that she goes at the rate of six miles an hour ; and that they are to continue three hours upon each tack.—With the wind at south-west, they will lay west-north-west on the larboard tack ; and, at the end of
three

three hours, the fastest sailing ship will be a mile a-head of the other. Upon the starboard tack, they will lay south-south-east; the fastest sailing ship will, at first, be on the weather-quarter of the other; she will afterwards pass her at more than half a mile's distance; and, at the end of the second three hours, she will bear about south-west, or right to windward, at the distance of more than three quarters of a mile. On the larboard tack, they will lay up west-north-west as before; the fast sailing ship will pass the other at the distance of three quarters of a mile; and, at the end of this three hours, she will bear west-and-by-south, distant near a mile and a half. Upon the starboard tack, the best sailing ship will pass to windward of the other at the distance of above a mile and a quarter; and, at the fourth period, she will be right in the wind's eye, or two points before the weather-beam, as before, distant above a mile and a half. Hence it is evident, that a ship, which only outfails another one mile in eighteen, will gain four miles a-head of her in standing twelve hours upon one tack with a six-knot gale; and she may, in the same time, get more than a mile and a half in the wind's eye, by plying to windward. If we suppose some of the chasing ships to have outfailed others of them, one mile in nine, all the forementioned distances, *a-head* and *to windward*, will be doubled; and as the sailing of the chasing ships in general, when compared with that of the fleet, was probably as six is to five, the former would have gained twelve miles a-head of the latter, by continuing twelve hours upon the larboard tack; or they might have gained about five miles to windward, by plying on both tacks. Upon the whole, Sir, it plainly appears, that the signal to chase to windward had a natural tendency to disperse the ships; and that, whether we consider them as having continued upon one tack, or plied to windward, the chasing ships must have

been more, or less separated from the fleet, and also from each other, according to the duration of the chase, and the different degrees of their sailing.

By a favourable change of wind, and the enemy's edging down to the British fleet, you were enabled to close with their center and rear : but had not those circumstances taken place, the former distance of three leagues would, probably, have still intervened ; and the chasing ships might have fruitlessly continued to ply to windward, until you had thought fit to have ordered them back to the fleet. If, as you say, the French fleet was then as much to windward, and at as great a distance as it had been the preceding morning, standing with a fresh wind, close hauled, on the larboard tack, and, to all appearance, avoiding you with the same industry as ever ; you could not entertain the smallest hope of gaining three leagues to windward upon them in one day ; and, consequently, you could not then expect, that the collecting of ships to windward would be necessary for the purpose intended.

As several of the witnesses say, they understood that the ships were ordered to chase to windward, in order to bring the enemy to action ; and as I find their opinion corroborated by your having ordered the Shrewsbury, then the weathermost ship in the fleet, to chase in the same manner, I shall take the liberty of viewing the subject in that light. Supposing, then, the chasing ships to have got up with the enemy before night ; what advantage could you have reaped from that event ? They could neither have taken your fleet up to that of the enemy, nor could they have brought their fleet down to you ; and to have engaged with more than four times their number, would, in my opinion, have been madness in the extreme. If you apprehended that an engagement could not be brought on without chasing to windward ;

ward; that chase, I will venture to say, ought to have been a *general one*. If seven ships could have got up to the enemy by chasing in that manner, so might the whole fleet have got up, though, perhaps, not so soon; and the weathernost or fastest sailing ships, could always have joined such as might have been to leeward, whenever you should have thought it necessary to have called them down, in order to prevent the enemy from taking any advantage of their detached situation.

You complain of Sir Hugh Palliser's being far to leeward on the morning of the 27th; but, as you state the vice-admiral of the red to have been then on the Victory's weather-quarter, distant four miles; and the vice-admiral of the blue to have been one point before the lee-beam, at the distance of three miles; it is evident that the Victory was as far to *leeward* of the Queen, as the Formidable was to *leeward* of the Victory.

This, Sir, is the case, even taking their relative positions as you have thought proper to state them in your defence; but your journal, whence, one would have thought you had taken your account, places them in very different situations. It says: "At day-light saw
" the French fleet to windward, the vice-admiral of the
" red, and his division, well on the *weather-beam*; the
" vice of the blue on the *lee-bow*." It will be needless, I presume, for me to say, that your own journal shews the position of the vice-admiral of the blue to have been more favourable than that which you have exhibited in your defence. As the Formidable, according to your journal, was on the lee-bow of the Victory upon the larboard tack, it must appear evident to every seaman, that the former would have been *right in the wake* of the latter, when they afterwards advanced to the enemy on the starboard tack, supposing no shift of wind to have happened in your favour. Whatever, Sir, may have been

your motives for deviating from that account which, according to common practice †, must have been entered on the log-board at the very time referred to, and afterwards copied into your journal, the candid and impartial reader will not dare to approve of your conduct.

How far the vice-admiral understood the object of the chasing signal, I cannot pretend to know; but I can easily suppose him to have set his main-sail and let out his reefs upon that occasion. Although you did not make the signal originally for the whole division to chase to windward, because they must then have chased as a division, which would have retarded the best going ships by an attendance on the vice-admiral; no such inconveniency would, I presume, have attended your sending the four remaining ships after the other six, by similar signals.

I have all along considered the chasing signal as made by you, but, according to the evidence on Sir Hugh Palliser's trial, it appears to have been ordered by admiral Campbell, whilst you was in your cot, and probably asleep. In your defence you say, that *you* made the signal for six ships of the vice-admiral of the blue's division to chase to windward; and that *your* reason for doing it was, to collect as many of the ships to windward as you could, in order to strengthen the main body of the fleet, in case you should be able to get to action; and to fill up the interval between the Victory and the vice-admiral, which was occasioned by his being far to leeward: but, when speaking upon oath in the late trial, you said, that the signal was made, and the ships were

† There are three times in the day, viz. the morning, noon, and evening, when the bearing and distance of particular objects are pretty accurately taken, and immediately committed to the log-board; and as none can pretend to know this article better than the person who takes the bearings, and estimates the distances, it is always copied verbatim by every journalist.

chasing,

chasing, before you knew any thing of the matter.—How admiral Campbell's making the signal to chase, can properly be called *your* making it; and how *his reason* for acting, can, in any sense, be deemed *your reason*, I declare my incapacity to conceive. It appears by your evidence, and also by that of admiral Campbell, that six ships of Sir Hugh's division were detached from their flag, without either your *consent*, or your *consciousness*; and whatever you may think of the efficiency of your subsequent approbation, I will venture to say, that it can only apply to the continuation of the chase, after you came upon deck, because, from that time, and from that time only, you had it in your power to have countermanded it.—Instead of countermanding, you approved of the signal; the ships, instead of being immediately ordered back to their proper flags, were continued in their *mysterious* † chase; and, without even the semblance of a rational plea in favour of such conduct, you became answerable for the consequences.

“ Things were in this situation (you say) when,
 “ about nine o'clock, the French fleet wore, and stood
 “ to the southward on the starboard tack; but the wind,
 “ immediately after they were about, coming more
 “ southerly, I continued to stand on till a quarter past
 “ ten, at which time I tacked the British fleet together by signal, and soon after we were about, the
 “ wind came some points in our favour to the west-
 “ ward, which enabled us to lay up for a part of them;
 “ but in a dark squall that almost immediately came on,
 “ I lost sight of them for above half an hour, and when
 “ it cleared away, at eleven o'clock, I discovered that

† How a fleet can be *closed, strengthened*, or kept more *compact*, by *separating* and *dispersing* the ships which compose it! and how an *interval* can be *filled up* by making it considerably *greater*! are mysteries, which, I will venture to say, none, but our *all-discerning* patriots, are capable of comprehending.

the

“ the French fleet had changed their position, and were
 “ endeavouring to form the line on the larboard tack,
 “ which finding they could not effect without coming
 “ within gun-shot of the van of the British fleet, they
 “ edged down, and fired on my headmost ships, as they
 “ approached them on the contrary tack, at a quarter
 “ after eleven, which was instantly returned; *and then,*
 “ *and not till then, I made the signal for battle. All this*
 “ *happened in about half an hour,* and must have been
 “ owing to the enemy’s falling to leeward in perform-
 “ ing their evolution during the squall, which we could
 “ not see, and by that means produced this sudden and
 “ unexpected opportunity of engaging them, as they
 “ were near three leagues a-head of me when the squall
 “ came on. Indeed every motion of the French fleet,
 “ from about nine, when it went on the starboard tack,
 “ till the moment of the action, and even during the
 “ action itself, I apprehend to be decisive against the
 “ alleged indication of designing battle: for, if the
 “ French admiral had really designed to come to action,
 “ I apprehend he never would have got his fleet on the
 “ contrary tack to that on which the British fleet was
 “ coming up to him, but would have shortened sail,
 “ and waited for it, formed in the line on the same
 “ tack.”

As you continued on the larboard tack an hour and a
 quarter after the French fleet wore and stood to the
 southward, I think I may venture to say that you had
 then no apprehension of their going off, notwith-
 standing you have thought proper to represent them
 in that light, when they were standing on the same
 tack with the British fleet. Surely, Sir, you had
 much more reason to say they were going off in the
 latter case, than in the former. On the larboard tack
 they stood west-north-west with you, but, after wear-
 ing

ing, they went south-south-east on the contrary tack; which, allowing two points for the variation of the compass, was south-east towards the coast of France. The shift of wind † which you mention as the reason of your continuing on the larboard tack, was an argument against your conduct, if you apprehended the enemy to have been going off; but clearly in favour of it, if you was satisfied that they had no such intention.

You acknowledge that the French, when you discovered them after the squall at eleven o'clock, were endeavouring to form their line on the larboard tack; and that, finding it could not be effected without coming within gun-shot of the van of the British fleet, they edged down and fired on your headmost ships. But, after all their endeavouring and their edging down, you say their line was not formed complete; and that, from about nine in the morning, every motion of the enemy was, in your apprehension, decisive against the alleged indication of designing battle. Here, Sir, I beg leave to differ from you in opinion: as you could only lay up for a part of the French fleet, after the wind favoured you some points on the starboard tack, and as they were near three leagues from you when the squall came on, I will venture to say that even those ships which you laid up for, might have gone *three miles and an half to windward of you* on the contrary tack. Supposing you to have been laying south, with the wind at west-south-west, that part of the French fleet then right a-head, would have laid north-west, close

† The admiral in his journal takes no notice of this shift of wind; nor doth he state the tacking of the French fleet to have been sooner than ten o'clock. He says: "At ten the French admiral tacked and stood to the southward, I instantly made the signal, and tacked after them." It appears, however, by several witnesses, that the French fleet did change their tack some time before ten o'clock.

hauled on the contrary tack ; and the line described by their motion, would have formed an angle of forty-five degrees with that of your direction reversed. Hence it is plain, that whilst you was proceeding five miles and a half south, they might have gone the same length along the north-west line ; that they would then have been upon your weather-beam, bearing west from you ; and that your distance asunder would have been equal to that which you was short of the place where they tacked, or of their wake, viz. about *three miles and a half*.

As it is *demonstratively* evident, that the enemy might have passed you at a very safe distance to windward, I am clearly of opinion that their not doing it, must have been owing to a resolution to exchange a few shot with you as they passed : and when I find that the sternmost chasing ship was seven or eight miles from the Victory when the firing began, with only thirteen ships between them, I cannot help thinking that the French admiral had a strong temptation to embrace the opportunity †. The circumstance of their van ships keep-

† Here it may not be amiss to state two questions, put by admiral Keppel to two of the witnesses, with the answers they returned :

Quest. first. “ At eleven o’clock, or when the French were so near, and the change of wind gave advantage to the British fleet, must not the French admiral have given up some of his rear ships, if he had not risked battle with the center of his fleet ?

Ans. “ Most certainly.

Quest. second. “ Was the French fleet in a regular line of battle when the action was brought on ?

Ans. “ At a quarter past eleven, when the action commenced, the French van was very irregular, some more than a mile to windward of others of them.—They all appeared to keep their wind as they approached us.—They were at very unequal distances from each other, independent of their being to windward and to leeward of each other ; what was properly their center, was pretty compactly formed, but they were not in a line.—What should have been their rear division I could make no observation upon, as they were far to windward of the Bretagne and the ships
about

keeping their wind, as they passed, affords no proof that the enemy did not previously bear down; though it seems to be a considerable draw-back upon the courage of their van commanders. Perhaps they were as anxious to prevent our chasing ships from getting to windward of them, as the commanders of some of our chasing ships were, to avoid being forced into that *dangerous* situation! Were I at the head of the French marine, I should think it my duty to enquire, why the commanders of their van-ships did not bear down upon the British fleet, and *cut off* some of the rear division? I now pass on to your coming out of the enemy's fire:

You say, "The moment the Victory had passed the enemy's rear, my first object was to look round to the position of the fleet, which the smoke had, till then, obscured from observation, in order to determine how a general engagement might best be brought on after the fleets should have passed each other. I found that the vice-admiral of the red, with part of his division, had tacked, and was standing towards the enemy with top-gallant sails set, the very thing I am charged with not having directed him to do; but all the rest of the ships that had got out of action, were still on the starboard tack, some of them dropping to leeward, and seemingly employed in repairing their damages: the Victory herself was in no condition to tack, and could not immediately wear and stand back on the ships coming up a stern of me out of the action (had it been otherwise expedient) without throwing them into the utmost confusion."

"about her, and must have passed us whilst we were engaged with what was properly their center."

What a striking contrast!—In the first instance, the French admiral is obliged to risk a battle with the center of his fleet, in order to save his rear from being *cut off*: and in the second, the great irregularity of their fleet is proved, by placing that very rear so far to windward as to be even out of the reach of observation!

You say, Sir, that your first object was to look round to the position of the fleet, in order to determine how a general engagement might best be brought on, after the fleets should have passed each other: but I do not find that you came to any determination on that matter. You say, that you saw the vice-admiral of the red upon the larboard tack, with part of his division, standing towards the enemy with top gallant sails set; but did you give the least countenance to this part of his conduct? He had tacked and stood after the enemy without your orders; and you thought proper to leave him a-while to his own discretion. It appears by the evidence, that you passed to leeward of the vice-admiral of the red, and that you stood to some distance beyond him on the star-board or contrary tack.

I cannot see that it is an argument in favour of your conduct to say, that all the rest of the ships continued on the same tack with the Victory. The vice of the red had tacked and stood after the enemy about half an hour before the Victory came out of the engagement, consequently before he could receive any orders from you; but it is unreasonable to suppose that, after you had passed the enemy's rear, any of the rest of the ships, especially those of your own division, would tack without your *orders*, and contrary to your *example*.

That the Victory was in no condition to tack, at the time you refer to, is easy to be conceived; and also, that she could not wear and stand back *on* the ships coming up a-stern, without throwing them into confusion: but I cannot conceive what danger could have attended your wearing and hauling your wind on the contrary tack, *across* the ships coming up a-stern, in order to stand back *after the enemy*.—So much having been said, in the course of the trial, concerning the danger of tacking,
and

and wearing in fleets, I shall take the liberty of proceeding to the discussion of both.

Whenever the commander of any ship, in a fleet, intends to tack, it is his business to see whether there are any ships so near him a-stern as to be expected to come up whilst he is in stays; and, if there are, to give them notice of his intention.—It then becomes the duty of every commander, so informed, to keep clear of the ship that is in stays, by either tacking his own ship, or bearing up to leeward of the other, at his own election. If he chuses to tack, he is bound to give the same previous notice to ships near to him astern, as he received himself; and if, instead of tacking, he should choose to keep away to leeward of the ship in stays, it will be incumbent on him to pass at such a distance as will effectually prevent damage, even though the ship, intending to tack, should *miss stays*. Here, Sir, it may be necessary to observe, that although a ship, when she misses stays, frequently falls off so much with her head as to bring the wind as far aft as the quarter, yet she only drives a little to leeward; for as soon as she gets head-way, the helm, with the assistance of the after-sails, will bring her close to the wind, provided there be a commanding breeze.—Ships not very near to her that intends to stay, and which are more than two points to windward of her wake, will expect to go to windward; and if, before the tacking ship has hauled her head-sails, it should be found that any of the others are pinched in going to windward, the head-sails ought to be kept a-back until they have passed.

Having hitherto considered the several ships as being not only unconnected with, but even *striving against* each other, I shall next proceed to view them as a collective body, under the direction of a commander in chief.

If

If the whole fleet, or a division of it, are to tack, they may be ordered to do it together ; or the headmost and weathermost may be ordered to tack first, and the rest to follow successively, as they get into the wake of their leaders. By either of these methods, every shadow of danger will be fully obviated ; the ships will be ranged in a line of battle a-head ; and their distances asunder may afterward be easily adjusted by a proper augmentation, or diminution of sail.—I cannot suppose it requisite to reverse the order of their sailing, unless the whole fleet were in a situation to tack at the same time ; and in that case the rear, by tacking first, in order to lead on the other tack, would prevent even the possibility of danger.

If, instead of tacking, it were required to wear a fleet, or a division of it, the former order ought to be reversed ; the sternmost and leewardmost should wear first, and the other ships, following in succession, may all get close to the wind on the contrary tack with safety. Altho' this be the best method of wearing in fleets when the ships are pretty much crowded together, yet I cannot see any danger or difficulty that would attend a contrary procedure. In wearing the van-ships first, it may sometimes be found necessary to pass to leeward of some of those which immediately followed them ; but no danger can attend their doing so, whilst the ships are under the command of their helms : and they will be in readiness to haul their wind on the contrary tack, through the first opening that presents itself.—As ships, when close hauled, generally lay within six points of the wind, every ship, laying on a contrary tack, which can be brought more than two points on the lee-bow, may be weathered, if the wind continues invariable, and their rates of sailing be nearly equal.

Upon

Upon the whole, Sir, I cannot see any danger either in tacking or wearing in the day-time, when the ships are free from smoke, and have it in their power to bear up for each other, as the several cases may require.

In saying that there is not any danger in ships tacking, wearing, or missing stays in a fleet, I do not mean that they are, at such times, exempted from those common dangers to which all are continually liable.—But I positively assert, that no *particular* or *extraordinary* danger can arise from any of the before mentioned motions, unless those who have the management are remarkably *ignorant*, *inattentive*, or *obstinate* *: And even under any of those circumstances, their going out of, and coming into port, their getting under way, and coming to an anchor, is much more dangerous. Harbours, with their channels of communication, are pretty much confined; but the *Ocean*, is, beyond all controversy, exceedingly spacious.

Having made some remarks on tacking and wearing in fleets generally, I now beg leave to offer a few words on the subject as applicable to you. When it is considered how far the ships a-stern of you had been extended, by the signal to chase to windward, your situation must appear to have been very favourable for wearing: And, in my opinion, it well be impossible for a *seaman's eye* to perceive any necessity for the *Victory's* continuing to stand three quarters of an hour upon the starboard tack, after passing the rear of the enemy, lest her wearing before that period, should have thrown the ships a-

* Accidents are here excepted; they sometimes happen to the best of men: to such they generally arise from a misconception in one, or both of the commanders, and the danger is seldom seen till too late for prevention.

stern into the *utmost confusion* †.—Even supposing, Sir, that some danger should really have attended your wearing sooner, would not the object then in view, have justified you in running some risk to obtain it? A British fleet, with an enemy near, ought not to be considered merely as a *fleet of state*; and, like the earl of Abingdon's regiment, kept aloof from *hazard* ‡. Our ships of war, if I mistake not, are built and sent to sea for the very purpose of being hazarded in the defence of the kingdom, and the annoyance of its enemies; and the importance of the object in view, with the reasonable probability of obtaining it, will always constitute a rule for determining the *quantum* of judicious and necessary hazard. You had, Sir, if I may venture to judge, some very important objects then in your view; an inferior enemy a-stern, with whom you had been engaged, standing from you on the larboard tack; your own rear still engaged to leeward of that enemy; and the vice-admiral of the red, with seven ships of his division, endeavouring to double upon them under a great deal of sail. Were not these, Sir, very animating objects for a British admiral to behold? And were they not highly worthy of your immediate attention?

“ Had it even been practicable (you say) to have wore
 “ sooner than I did, no good purpose could have been
 “ answered by it, since I must have only wore the sooner
 “ back again, to have collected the disabled ships, which
 “ would have been thereby left still further a-stern.”

† I am sorry to find that my sentiments, on this subject, differ widely from those of a very able and experienced commander, whose great gallantry in the course of the last war, placed him high on the list of naval fame.

‡ The earl, in questioning the legality of raising men by subscription for the service of government, said, If the twelve judges declared the practice legal, he would raise a regiment himself, but not to be sent to America, there to be *hazarded*, perhaps *devoted*.

I am

I am far from thinking, Sir, that your wearing sooner would have occasioned the disabled ships to have been still further a-stern; nor can I believe that you would have been under any necessity of wearing sooner back again in order to have collected them. I am of opinion that the disabled ships *followed* the Victory on the star-board tack, and that, if she had wore sooner, they would not have gone so far to the southward. Three ships indeed, the Robuste, the Egmont, and the Sandwich, made so much water, that they could not change their tack until their leaks were stopped: but I apprehend, that even *they* would not have gone so far to the southward, had you wore sooner in the Victory. All the other ships, so far as I can find by the evidence, were, or soon might have been, capable of wearing. A ship, with her braces cut may be unmanageable for a few minutes: but every ship that can go close hauled on one tack, may, with a commanding breeze, be wore to the contrary tack †, provided that the *ship* or the *lee rigging* be not so much damaged as to render it imprudent to bring the wind on that side, until some repairs are effected.

“ As soon as I had wore to stand towards the enemy
 “ (say you) I hauled down the signal for battle, which
 “ I judged improper to be kept abroad till the ships could
 “ recover their stations, or at least get near enough to
 “ support each other in action; and in order to call
 “ them together for that purpose, I immediately made
 “ the signal to form the line of battle a-head, a cable’s
 “ length asunder, and the Victory being at this time

† A ship, with any of her head-sails abroad, and a commanding breeze, may certainly be wore and laid with her head the contrary way, even supposing all her braces and bowlines cut to pieces; but she will not lay close-hauled on either tack, until some repairs have been done.

“ a-head of all the center and red division, I embraced
 “ that opportunity of unbending her main-top-sail, which
 “ was totally unserviceable, and in doing which the ut-
 “ most expedition was used ; the ships a-stern of me
 “ doing all they could in the mean time to get into their
 “ stations, so that no time was lost by this necessary
 “ operation.”

As you tell us that you hauled down the signal for battle, because you judged it improper to be kept abroad till the ships could recover their stations, or at least get near enough to support each other in action ; I must conclude, that it was done in consequence of the then *dispersed* condition of your fleet. But who, Sir, had occasioned the ships to be so much separated from each other ? At half past five in the morning, the signal was made for six ships of the blue division to chase to windward ; and the Victory, after passing the last of the enemy's ships, stood on to the southward, until near the time that the firing ceased in the rear. Now indeed, the Victory is on the larboard tack, standing towards the enemy ; and the signal for the line of battle a-head, a cable's length asunder, is made in order to call the British fleet together for the purpose of renewing the attack.—You say that the Victory being at this time *a-head* of all the center and red division, you embraced that opportunity of unbending her main-top-sail, which was totally unserviceable : but this, Sir, must appear astonishing in the *eye of every seaman*. Although the relative situation of the Victory be a matter in which I can hardly suppose it possible for you to have been mistaken, I declare that I am utterly incapable of conceiving how you could then be a-head of the red division. It appears that the red division tacked to port at half past twelve ; that they were standing *towards the enemy*, with top-gallant sails set, when you came out

of

of the engagement at one o'clock ; that the Victory continued to stand *from the enemy* for about three quarters of an hour afterwards ; and yet she has no sooner wore, to stand after the French fleet, than you tell us that the Victory was *a-head* of all the center and red division ! One of the witnesses says, that the vice-admiral of the red, and the ships with him, appeared to be a mile a-weather of the Formidable when she passed the enemy's rear ; and that the Victory was then two miles distant, standing towards the enemy *. Another witness speaks of the red division having shortened sail, and even *brought to* with their main-top-sails to the mast : but no one says that they tacked to port, after the center division. It is reasonable to suppose, that the hauling down of the signal for battle was, in sea language, clapping a *stopper* upon the vice-admiral of the red ; and that, like general Howe's repeated orders to the British grenadiers at Brooklyn, it would *check* his heroic *ardor*.

You add, “ The Formidable was a-head of the Victory during this period, it was her station in the line, on that tack ; yet at the very moment my accuser dares to charge me with not calling the ships together to renew the attack,—he himself, though his ship was in a manageable condition, as has appeared by the evidence of his own captain,—and though he had wore, expecting, as he says, the battle to be renewed, quitted his station in the front of that line of battle, the signal for which was flying, passed to leeward of me on the starboard tack, while I was advancing to the enemy,

* It appears, that when the vice-admiral of the red, and the ships with him, bore about west-south-west from the Formidable, distant *one mile*, the Victory was about *two miles* to the southward of her ; and, consequently, when the vice of the red was to windward of the Formidable, the Victory must have been right a-head of her, or nearly so, before the latter wore to stand after the enemy.

“ and never came into the line during the rest of the
 “ day.—In this situation, I judged it necessary that the
 “ vice-admiral of the red, who was to windward, and
 “ pushing forward on my weather-bow, with six or se-
 “ ven ships of his division, should lead on the larboard
 “ tack, in order to give time to the ships which had come
 “ last out of action, to repair their damages, and get
 “ collected together.”

That the Formidable was so far manageable as to wear, appears very clearly, for she actually did wear twice ; but it does not appear that she could then have taken her station in the line of battle, a cable's length asunder. When she first wore towards the enemy, it appears that, regardless of her very disabled condition, the officers and men were ordered, and did return to their quarters, in expectation of going again into action, when you should come up with the fleet ; and that, upon some of the French van and center ships wearing, and three of them making sail directly for the Formidable, about the time that the Victory's main-top-sail was unbent, she wore back again towards the Victory, and *began to repair her damages*. You blame the vice of the blue for passing to leeward of you on the starboard tack, when you was advancing towards the enemy, instead of taking his station in the line, agreeable to the signal then flying ; but as you represent the vice of the red to have been then to windward, *pushing forward* on your weather-bow, with six or seven ships of his division, instead of taking his station in the line a-stern of you, one would think him to have been at least as *cenfurable*. The red division had not only received less damage than that of the blue, but they had been longer out of the engagement, and, consequently, they had had more time to repair. This appears to have been your own thoughts on the matter, for you say you judged it necessary that the vice-admiral
 of

of the red should lead on the larboard tack, in order to give time to the ships which had come last out of the action, to repair their damages, and get collected together.—As to the shifting of the Victory's main-top-sail, after the signal for battle had been *hauled down*, and that for the line, a cable's length asunder, hoisted, I think, with one of your witnesses, that it was of service, provided that none of our ships were then so near the enemy as to be in danger: the unbending of the Victory's main-top-sail certainly put it more in the power of those ships which you had *left to the southward*, to draw nearer to you.

You say: “ The French fleet having wore, and began to form their line on the starboard tack by the wind, which if they had kept, would have brought them close up with the center division, soon afterwards edged away, pointing towards four or five of the disabled ships, which were at a distance to the leeward, and with evident intention to have separated them from the rest of the fleet; to prevent which, I made the signal to wear, and stood athwart their van, in a diagonal course, to give protection to those crippled ships, keeping the signal for the line flying to form and collect the fleet on the starboard tack: and as I had thus been obliged to alter my disposition before captain Sutton left the Victory with my former message, I dispatched him with orders to the vice-admiral of the red, to form with his division at a distance astern of the Victory, to cover the rear, and to keep the enemy in check till the vice-admiral of the blue should come into his station with his division, in obedience to the signal. These orders the vice-admiral of the red instantly obeyed, and was formed in my wake before four o'clock; when finding that while by the course I steered to protect the crippled ships, I was nearing the
“ enemy,

“ enemy, the vice-admiral of the blue still continued to
 “ lie to windward, and by so doing kept his division from
 “ joining me, I made the signal for ships to windward
 “ to bear down into my wake; and that it might be
 “ better distinguished, (both being signals at the mizen-
 “ peak) I hauled down the signal for the line for about
 “ ten minutes, and hoisted it again. This signal for
 “ ships to windward to bear down he repeated, though
 “ he had not repeated that for the line of battle; but by
 “ not bearing down himself, he led the ships of his di-
 “ vision to interpret his repeating it, as requiring them
 “ to come into his wake instead of mine.”

From the situation of the French fleet, as described by
 one of your witnesses, I believe they might have fetched
 close up with your center division, if they had kept close
 to the wind after wearing to the starboard tack. Instead
 of which, you say, they edged away, pointing towards
 four or five of the disabled ships, which were at a distance
 to leeward, and with evident intention to have separated
 them from the rest of the fleet. What the intentions of
 the French were at that time, I cannot pretend to say;
 but if they really meant to have separated the disabled
 ships from the rest of your fleet, they ought to have
 pointed to windward of the former, for nothing short of
 their actually coming between the disabled ships and the
 rest of the fleet could have effected that purpose.—In
 order to frustrate the enemy's design, you say that you
 made the signal to wear, and stood athwart their van in
 a diagonal course, to give protection to the crippled ships,
 keeping the signal for the line flying, to form and col-
 lect the fleet on the starboard tack: and that about four
 o'clock, you found that you was *nearing* the enemy by
 the course which you steered. Here, Sir, I beg leave to
 offer a few remarks; but previous thereto, I shall men-
 tion the position of the French fleet, with respect to the
 Victory,

Victory, when you was standing towards them on the larboard tack, as stated by the witness before alluded to :

“ About three sail of them (says he) to windward of the
 “ fore-sail, a large body of the center was right a head of
 “ us, and their sternmost ships not very open upon our
 “ lee-bow ; at half after two they were above three miles
 “ from us, they then began to get round, and form
 “ upon the starboard tack ; for some time they pointed
 “ their heads as though they would have weathered the
 “ Victory ; but about a quarter before three o'clock they
 “ kept off the wind, and pointed to four or five sail of
 “ the English ships that were far to leeward, and appeared
 “ disabled.”

As the enemy's ships, after wearing to the starboard tack, did point to windward of the Victory, with the wind at west-south-west, I may fairly conclude, that the Victory bore about south-and-by-east from them before she wore : and as the Victory, after wearing to starboard, steered south-south-east, in order to give protection to the disabled ships ; it is evident that the French ships astern were only about a point upon her larboard quarter, and, therefore, could not possibly be *neared* by her proceeding in that direction. Whenever the line of any ship's motion forms an acute angle with the bearing of any quiescent object, she must approach nearer to that object as she proceeds, until the two lines form a right angle. The objects are then at their nearest distance ; and supposing the ship to continue moving in the same direction as before, the distance between the two objects will continue to increase in proportion as the angle becomes obtuse. In other words, the distance of any object, at rest, bearing upon any point of the compass before the beam of a ship in motion, must, as she proceeds, continue to decrease, until that object comes upon the beam ; and should the ship still continue her motion,
 without

without any alteration in the line of it's direction, the distance between her and the other object would always increase as the bearing proceeded aft *. When this reasoning is applied to the Victory, it will evidently appear, that, instead of *nearing* the enemy by steering south-south-east, she was going *away from them* almost in a direct line.—Supposing the distance between you and the enemy to have actually decreased, while you was steering towards the disabled ships, yet such decrease could not be said to have flowed from the manner of your proceeding. Your course, whether considered as *direct* or *oblique*, was certainly *from* the enemy ; and every fathom you went in that direction, however slow your motion, had a natural tendency to increase your distance from every object situated abaft your beam on either side.—Even supposing the Victory to have brought to, that act would only have suspended her own forward motion : although it would have afforded the French ships a fair opportunity for coming up, yet their subsequent approach would have been properly the effect of their own progress, not of your's. Instead of standing athwart the enemy's van, it rather seems that the Victory and the enemy pointed to the same object, the disabled ships † ; and, according to the witness last quoted, the competitors were so far from having neared each other at four o'clock, the time referred to, that their distance asunder had even increased. Although the Victory is said to have been above three miles from the enemy's rear at half past two o'clock, when they began to wear towards her, their distance must have been less than three miles, when the Victory wore from them at seven minutes after three ; and, at half

* Towards the ship's stern.

† It does not appear that the Victory steered directly for the disabled ships, for whenever they are mentioned, during the time of her going towards them, they are said to have been on her lee-bow.

past four, they are said to have been three miles asunder : consequently the distance must have increased, from the time of the Victory's wearing, until that period.

Although much has been said to shew that the French had no inclination to bring on a second engagement, you seem to have had a very different opinion of that matter when you ordered the vice-admiral of the red to form with his division at a distance a-stern of the Victory, to cover the rear, and to keep the enemy in check till the vice-admiral of the blue should come into his station with his division, in obedience to the signal. Surely, Sir, you was apprehensive of danger when you deemed it necessary to *cover your rear* in standing from the enemy ; and you must have thought that the French were advancing to *re-attack you*, when you ordered the red division down for the avowed purpose of *keeping them in check*. This, Sir, is clearly proved by your own evidence on the late trial ; you said that you saw what you was a little uneasy to see ; and that you ordered Sir Robert Harland to form in your rear “ as soon as he “ could get there, to protect the fleet, whilst they were “ putting themselves into order and condition.”

“ After I had wore (say you) upon the same tack “ with the enemy, to protect the disabled part of my “ fleet, and to collect the rest together, there would “ have been little to do to renew the battle, but bearing right down upon the enemy, if my accuser had “ led down his division in obedience to the repeated “ signals and orders which I have stated. The Victory “ never went more than two knots, was under her double-reefed top-sails and fore-sail, much shattered, “ which kept the ships that were near her under their “ top-sails, and suffered the French fleet, which might “ always have brought me to action, if they had inclined “ to do it, to range up parallel with the center under

H

“ very

“ very little fail : and it was to protect the five disabled
 “ ships above-mentioned, and to give the rest time to
 “ form into some order, that I judged it more expe-
 “ dient to stand as I did, under that easy sail, than to
 “ bring to, with my head to the southward. The
 “ court will judge whether it was possible for any offi-
 “ cer in the service, really to believe that these opera-
 “ tions could give the appearance of a flight, or furnish
 “ a rational pretence to the French admiral to claim the
 “ victory, or publish to the world that the British fleet
 “ had run away.”

This, Sir, is a very important part of your defence, not only with respect to yourself, but to Sir Hugh Palliser, and to the public at large. It is a matter wherein every Briton is deeply interested, but which none but seamen can fully comprehend. As a British seaman I will venture to take a view of the momentous subject, and, as a lover of justice, I wish impartiality and candour to mark the disquisition.—You tell us, Sir, that you wore upon the same tack with the enemy, in order to protect the disabled part of your fleet, and to collect the rest together ; and that there would have been little to do to renew the battle but bearing right down upon the enemy, if the vice-admiral had led down his division in obedience to your repeated signals and orders.—*Protect, collect, and re-attack* were your great designs : they were of the last importance to the British empire, and worthy of your pursuit ; but how were they executed ? As those ships which had not received much damage were soon able to join the Victory, agreeable to the signal for the line then flying, I shall confine my observations to such as were disabled, and consequently incapable of yielding immediate obedience. Of that part of your fleet, I find that four ships were the principal, if not the only objects of your protection, viz. the Sandwich, Ramillies, Robuste,

buste, and the Egmont * ; they had fallen to leeward in repairing their damages upon the starboard tack, and are said, by you, to have been at a *great distance* on the Victory's lee-quarter before she wore to stand to the southward.

It appears, Sir, that soon after your wearing to the starboard tack, you steered south-south-east (about two points from the wind) toward the four disabled ships before-mentioned ; and that about five o'clock, the very time you say that you had accomplished the protection of the disabled ships, the Vengeance †, one of your own division, was laying about two miles a-stern of the Victory in a very disabled condition, and in imminent danger of being destroyed by the enemy. When it is considered that the disabled ships, according to the evidence of one of your own witnesses, were then on your lee-bow, consequently a head of the Victory : and that the

* The Courageux had been to leeward of all the disabled ships, but left them at half past two o'clock, in order to get into her station in the line.

† Quest. " During that afternoon, did you observe one of the ships of the admiral's own division, laying a considerable distance a-stern of him, in his own wake, upon which the van of the French fleet fired ?

Ans. " I do recollect the Vengeance, I think, captain Clements.

Quest. " What distance do you think that ship was then a-stern of the Victory ?

Ans. " As near as I can recollect about two miles.

Quest. " Was you at that time under apprehension of any danger of her being cut off by the French fleet.

Ans. " I did at that time express my apprehension on the Milford's quarter-deck, that she would receive the fire of the French fleet as they passed under her lee, and thought it probable she might thereby have been destroyed, then laying in a very shattered condition, and seemingly unable to make sail ?

Quest. by the admiral. " You have described the dangerous situation you observed the Vengeance to be in, two miles a-stern of the Victory, after the English fleet were standing on the starboard tack, at what hour was this ?

Ans. " I think near about five o'clock in the afternoon."

French fleet were about three miles a-stern and to leeward ; it will, I presume, be difficult to account for your leaving the Vengeance so far a-stern of the Victory and so near to the enemy. The disabled ships were in no danger whilst the enemy continued so far a-stern, and the Victory, with the ships about her, between them : whereas the Vengeance, with our own ships so far a-head, and the French near a-stern, must have been in a very perilous situation.

You say the Victory was under double reefed top-sails and fore-sail, much shattered ; and that she never went more than two knots. But as I do not believe that the rate of the Victory's sailing was at that time determined by the actual heaving of the log, I beg leave to offer my reasons for thinking that she went considerably faster. One of your witnesses says, that about five o'clock the Milford was sent to acquaint Sir Robert Harland that, " it was the admiral's direction that he should make sail " and form a-head, and make a *press of sail* to do that " service."—The same witness also says that he saw the Fox, when going with a message to the Formidable, " make sail to the windward on her larboard tack, keep- " ing her wind close, and carrying a *press of sail*."—Another of your witnesses says, that they carried a *press of sail* on the Fox, that their top-gallant-sails were set, that they stood by the halyards and lee-sheets, and that he supposed her to have gone from *six to eight knots*.

From the above evidence, Sir, I may fairly conclude, that the Victory must have gone considerably more than two knots, especially when she steered south-south-east with the wind upon the beam. Their having stood by the top-gallant-halyards and lee-sheets on board the Fox, shews that they had a brisk gale at the time ; and as she went about seven knots, I think the Victory, under her double-reefed top-sails, fore-sail, mizen, and
mizen-

mizen-stay-sail, could not go less than *four* knots close hauled, nor under *five* when steering two points from the wind. I allow the Fox to have gone three knots more than the Victory: two of which I allow for the *extra* sail which the Fox carried at the time referred to, and one for her superiority in sailing as a frigate.

The relative position of the Victory, when she close reefed her top-sails at eight o'clock, is described by one of your witnesses as follows: "The vice-admiral of the red was formed a-head of the Victory, the ships belonging to the center division had, all but one or two, joined us; the Foudroyant, Prince George, and Bienfaisant, were formed in the line a-stern of us,—a considerable way a-stern of them, but not in the line; there was another ship endeavouring to get up, I took her to be the Vengeance.—The vice-admiral of the blue and the ships of his division, were to windward about three miles, standing on, except three or four sail, which had began to obey the signal for coming into their stations.—The French fleet were steering a parallel course to the Victory. We had hauled our wind an hour before dark. The third ship of the French van was a-breast of our quarter, about a mile and a half to leeward of us. The French line was formed with fourteen sail a-head of the French admiral, and the same number a-stern of him. Their best going ships were under their top-sails only, their heavy sailing ships were under their top-sails and fore-sails, and some of them with their main-sails set."

From this account, Sir, it is evident, that the Victory, whether she went two knots, or twice two, had gone *too fast all the afternoon*. The Vengeance is still a considerable way a-stern, *endeavouring to get up*, the Formidable

midable three miles to windward *, and the third ship of the enemy's van only a-breast of the Victory †, about a mile and a half to leeward. The Vengeance seems to have owed her *safety* to the distance of the enemy to leeward, more than to the vicinity of our own ships a-head : your fleet, Sir, even then, was far from being collected, nor was that of the enemy's co-extended with it ; and, consequently, you were not in that situation which would have enabled you to renew the battle, as you said, by “ bearing right down upon the enemy.” In order to have brought them quickly to action, it would have been necessary to have proceeded on the contrary tack until your van had gained their rear ; you might then have bore right down upon the enemy, and engaged at what distance you had thought proper.

* The Formidable is here said to have been three miles to windward of the Victory, without mentioning whether she was also far a-stern, or how otherwise situated. It appears, however, by the evidence of several witnesses, that she steered after the Victory, keeping her a little on the lee-bow ; and that the Victory continued to increase her distance from the Formidable all the afternoon, though the latter carried all the sail that her disabled condition would admit of. It also appears, that although the Formidable's fore-top-sail was long unbent, it was brought to the yard and set, as soon as the masts were thought sufficiently secured, by the repairs of the rigging, to bear it ; and that, had she actually been in her station in the line before that time, she could not have kept it unless the Victory had carried less sail.—One witness, indeed, says, that as the Formidable was far to windward of her station in the line, she might have got into it even with the sail she then carried. But it should be observed, that though the Formidable's rate of sailing would have been increased by going two or three points from the wind, that advantage would have been lost as soon as she had got into her station ; she must then have steered as the Victory did, and with at least an equal quantity of sail.

† I have taken the words *abreast of the quarter*, to mean *abreast of the ship* ; for although the former expression might be properly applied to ships, which are very near to each other, I cannot conceive how the witness could determine their relative situation, with sufficient accuracy, at the distance of a mile and a half.

You

You say that you preferred standing as you did, under an *easy sail*, to that of bringing to with your head to the southward, in order “ to protect the five disabled ships “ above-mentioned, and to give the rest time to form “ into some order : ” but although the former may have been thereby accomplished, the latter was not effected. However you might think that the protection of the disabled ships rendered it necessary for you to stand as you did, that necessity must have ceased to exist at five o’clock, the time when you say their protection was accomplished : and your *laying to* afterwards, would, in my opinion, have furnished all the disabled ships with an opportunity of joining you with the greatest ease. Had you ordered all the ships, that were formed in their stations, to have *brought to* at five o’clock, when you directed the vice-admiral of the red to stretch a-head and take his proper station in the line, he might soon have performed that service, without being ordered to carry a *press of sail* ; the *Vengeance* would have been enabled to have got up ; and even the *Formidable* could easily have taken her station. Thus, Sir, might your whole fleet have been quickly *collected* ; the *shattered* sails of the *Victory*, as well as those of all the other ships, shifted ; and the French fleet, by coming up to leeward, and extending from rear to van with the British fleet, would have given you an opportunity of renewing the battle with little more trouble than that of *bearing right down upon the enemy*.

I will not take upon me to say, whether it was possible for any officer in the service really to believe that your operations could give the appearance of a flight, or furnish a rational pretence to the French admiral to claim the victory, or publish to the world that the British fleet had run away ; but I cannot help thinking that they often boast upon much less plausible grounds.

The

The French account of the battle and the subsequent motions of their fleet, says :

“ The fire was very hot on both sides for about three
 “ hours, during which it was evident that the fire from
 “ the French ships was quicker than that of the Eng-
 “ lish. The position of the English to leeward, gave
 “ them the advantage of using their lower-deck guns,
 “ which admiral D’Orvilliers was anxious to deprive
 “ them of ; he therefore made a signal for the blue
 “ squadron to veer by a successive movement, and an-
 “ other signal for the rest of the fleet to follow, and
 “ range it in order of battle upon the starboard tack ;
 “ that movement was afterwards well executed, but ne-
 “ vertheless was too much delayed to be enabled to
 “ follow close, and extend the line from rear to van of
 “ the English fleet, as the admiral intended. It is not
 “ surprising that a movement which opportunity gave
 “ birth to, and was instantaneous, was not perfectly
 “ laid hold of at that moment, but the duke De Char-
 “ tres having passed under the general’s stern to ask his
 “ intention, admiral D’Orvilliers answered, that his
 “ intention was to form the line in the reverse of what
 “ it was upon the larboard tack, by going to leeward
 “ of the English fleet, and depriving them of the ad-
 “ vantage they then possessed, which was speedily exe-
 “ cuted. This evolution stoppt admiral Keppel, who
 “ had already wore with his fleet, with an intent of at-
 “ tacking the rear of the French, by bearing four points
 “ from the wind ; but meeting with the French fleet
 “ opposed to his route, drawn up in order of battle, he
 “ then was compelled to steer back again upon the for-
 “ mer tack ; being then to windward with his whole
 “ fleet, he arranged them in a line of battle a-head
 “ upon the starboard tack, an advantage his new posi-
 “ tion now gave him.—The French admiral pursued
 “ the

“ the English, and repeatedly offered them battle, being
 “ formed in the best order, from two in the afternoon,
 “ until ten at night, then to leeward of them ; but
 “ admiral Keppel did not think fit to accept of it, and
 “ took the advantage of the darkness of the night to
 “ effect his retreat, during which he took care not to shew
 “ any lights. During the night, the French fleet car-
 “ ried the usual distinguishing and other lights, in order
 “ to shew the enemy their situation.”

Although I am far from thinking that you was either *running away* from the French, or had the least intention of doing so, if the words are understood to mean an actual and *continued flight* ; yet I cannot avoid believing that you stood † directly from them, with as much sail as the blue division, the Ocean excepted, had set at day-break in the morning, when they were understood to be in *chase* of the enemy ; and that the French were following, not to say pursuing you, with as much sail as they seem to have been under when you said they were *going off*. The same witness who says, the French fleet were in general under their top-sails and courses at half past five in the morning, states some of their heavy sailing ships to have been under their top-sails and

† A ship in going close-hauled, is said to be *standing* upon her starboard or her larboard tack ; and, when steering from the wind upon any point of the compass, she is said to be *running away* on that point or course. A ship, therefore, may properly be said to *stand away*, or *run away*, from any object abaft her beam, according as she goes close-hauled, or steers from the wind upon any point of the compass : when no respect is had to any visible object abaft the beam, the words *away from*, if used, can only refer to the wind, and they are inapplicable whilst she goes close-hauled. Whilst the British fleet was going to the southward close-hauled, and the French fleet astern, ours were *standing away* from theirs ; and during the time that the Victory, &c. were steering south-south-east, to give protection to some of our disabled ships, they may, in proper sea-language, be said to have been *running away from the enemy*.

courses at eight o'clock at night.—When I say you stood directly from the enemy, I refer to the time of your first standing to the southward, a little after three o'clock; for, after the French had run to leeward in forming their line, and had advanced so far as to be broad upon your lee-quarter when close-hauled, the wind would not admit of your going directly from them; nor could they, from that time, fetch far enough to windward † to bring you to action; much less could they be supposed capable of doing so, when at a *mile and a half*, or *two miles* distance on your lee-beam.—I shall now leave the transactions of the memorable 27th of July, and take some notice of what you say concerning those of the next morning.

† Two ships going close-hauled upon the same tack, and laying equally near to the wind, must either be proceeding upon one and the same line, or on different lines, parallel to each other. In the former case, one of the ships must be right astern or in the wake of the other; in the latter case, every other situation is comprehended; and the distance of the parallels from each other, when produced, will be according to the nearness of the sternmost ship to, or her remoteness from, the wake of the other ship. Supposing then the two fleets to have been going close-hauled, and that they laid equally near to the wind; that the enemy's van ships, when three miles from the Victory, bore one point upon her lee-quarter, or, which is the same thing, one point to leeward of her wake; they would then have been about half a mile distant from the Victory's wake, and, by outfailing her, they could only have passed to leeward at the same distance, supposing the wind to have continued invariable in its direction. If the French van bore two points on the Victory's quarter, they were near a mile and a quarter to leeward of her wake, and might have passed her at the same distance; if three points, they were near a mile and three quarters from her wake, and could not have come any nearer to the admiral in passing; if four points, which is properly called the quarter, because equidistant from the stern and the beam, they must have been above two miles to leeward; if five points, two miles and a quarter; if six points, they must have been above two miles and three quarters; and if seven points, the line of their motion must have been near three miles distant from that of the Victory; and, consequently, they could not have passed her at a less distance.

You

You say : “ On the morning of the 28th of July,
 “ the French fleet, (except three sail, which were seen
 “ on the lee-quarter) was only visible from the mast-
 “ head of some of the ships of the British fleet, and at
 “ a distance from me, which afforded not the smallest
 “ prospect of coming up with them, more especially
 “ as their ships, though certainly much damaged in their
 “ hulls, had not apparently suffered much in their masts
 “ and sails ; whereas the fleet under my command, was
 “ generally and greatly shattered in their masts, yards,
 “ and rigging, and many of them unable to carry sail :
 “ as to the three French ships, I made the signal at five
 “ o’clock in the morning for the Duke, Bienfaisant,
 “ Prince George, and Elizabeth, to give them chase,
 “ judging them to be the properest ships for that purpose ;
 “ but the two last were not able to carry sufficient
 “ sail to give even countenance to the pursuit ; and
 “ looking round to the general condition of my fleet,
 “ I saw it was in vain to attempt either a general or a
 “ partial chase.—Under these circumstances, I trust,
 “ I could not mistake my duty ; and I was resolved, as
 “ I have already before observed in the introduction to
 “ my defence, not to sacrifice it to an empty show and
 “ appearance, which is beneath the dignity of an offi-
 “ cer, unconscious of any failure or neglect. To have
 “ urged a fruitless pursuit with a fleet so greatly crip-
 “ pled in its masts and sails, after a distant and flying
 “ enemy, within reach of their own ports, and with a
 “ fresh wind blowing fair for their port, with a large
 “ swell, would have been not only wantonly exposing
 “ the British fleet under my command, without end or
 “ object, but misleading and defeating its operations by
 “ delaying the refitment necessary for carrying on the fu-
 “ ture service with vigour and effect.”

This, Sir, must furnish matter of astonishment to every seaman ! Three of the enemy's ships left in the night by the rest of the fleet ; seen at a small distance, by the British fleet, at day-light in the morning ; and allowed to depart in peace !—You made the signal for four ships to chase, it is true ; but not until the sun had been an hour above your horizon, and you countermanded your orders before they could be executed. You say that, of the four ships which were ordered to chase, two were not able to carry sufficient sail to give even countenance to the pursuit ; but why Sir, were such ships ordered upon that service ? Considering the sail which the Victory carried, when standing from the enemy on the preceding day, with the signal for the line of battle flying ; one would think, you must have been well qualified to know what ships were properest to chase the flying enemy. I am surprised, Sir, that you did not recollect that part of the vice-admiral of the red's division which you found standing towards the enemy with their top-gallant-sails set, when you *looked round* to the position of your fleet upon coming out of the engagement at one o'clock of the preceding day. Those ships, which carried their top-gallant-sails in standing after the enemy close-hauled, an hour before the blue division came out of the action, were surely well able to have chased under all their canvas the next morning, when the wind was more moderate, and the enemy going off before it. The same ships, in obeying your subsequent orders, afforded you two more opportunities of viewing them with particular attention : soon after you wore to the southward, they came down and formed in your wake, in order to *cover your rear* and keep the enemy *in check* ; and, in proceeding from your wake to take their proper station a-head, about six o'clock, the *Queen, Hector, Centaur, Exeter, Shrewsbury, Cumberland,*

berland, and Stirling-Castle, passed you to windward in review. In giving your evidence on the late trial, you said your memory was *sometimes* very good ; but I am sorry, Sir, to find that the morning of the 28th of July cannot be reckoned among the number of those happy periods.—You say that, looking round to the general condition of your fleet, you saw it was in vain to attempt either a general or a partial chase. Miserable condition indeed, if, among thirty ships of the line and four frigates, you could not find a number sufficient to chase three sail of the enemy ! Tell it not in France, publish it not in the streets of Paris, lest our Gallic foes rejoice, lest all the enemies of Albion triumph.—This, Sir, is the second general survey which you say you took of your fleet ; and, in my opinion, we have little reason to boast of their consequences.—I fully join with you in saying that, under the above circumstances, *you could not mistake your duty* ; and, for the sake of your country and your own military fame, I most sincerely wish you had put it in my power to say that you had actually *done it*. That *a glorious opportunity of doing a most essential service to the state was lost*, I cannot entertain a doubt ; when such another will offer, none but God can know.—As you tell us that you declined the chase, on account of your apprehensions of danger and the improbability of success, I beg leave to offer a few dispassionate remarks on the subject.

In another part of your defence you describe it as “ *a fruitless and a most hazardous chase of some few ships :*” and in the course of the trial there were several efforts made to prove, that many of your ships were so much disabled in their masts, yards, and sails, as to have been incapable of chasing the enemy on the morning of the 28th, *as ships of war should case :* and
that

that it would have been imprudent and dangerous to have *entangled the fleet with a lee-shore on an enemy's coast.*

That some of your ships had received considerable damage in their masts, yards, rigging, and sails, I cannot entertain a doubt ; but, when the time at which the firing ceased on the preceding day is duly considered, every seaman must allow that the rigging ought to have been sufficiently repaired, for the temporary purpose in question ; and that every unserviceable sail should have been previously shifted. To hear sails mentioned as an article of disability, on the morning of the 28th, must be matter of wonder to every seaman who believes that the ships were not without a sufficient number of spare sails on board, and that the admiral, in standing from the enemy with the signal for the line of battle, did not carry so much sail, as to prevent so very necessary an operation as that of shifting such as were *unserviceable.*—In order to justify the unbending of the Victory's main-top-sail, you asked one of your witnesses, whether it did not enable the other ships to close up with you ? And the answer very justly was, “ By it's being unbent, the “ ships we left to the southward a-stern of us, had it “ certainly more in their power to draw nearer to us.” If shortening sail in the Victory, when standing *towards* the enemy, was not only justifiable, but proper, on the ground of enabling the ships a-stern to close up with you ; surely, Sir, it could not reasonably be deemed less so, when you stood the *contrary way.*—The disability in their masts and yards, if there had been much wind at that time, might have rendered them incapable of chasing as *ships of war should chase* ; but as it appears that the wind was then moderate *, and that the ships could have

* If the Victory, with her triple-reefed top-sails, fore-sail, mizen, and mizen-stay-sail set, carried her helm a-lee almost the whole middle

carried all their sails, in chasing before the wind, I cannot avoid thinking, that a general chase should have immediately taken place. Although the French fleet (three ships excepted) had slipped away in the night, you could not certainly know that they would have fled in open day; and, if they had, their flight might have given you an opportunity of taking some of their sternmost ships, which, if I mistake not, would have afforded a no less pleasing than convincing proof of your *boasted victory*. Even supposing that some of your ships were not in a condition to have chased, as ships of war should chase, I cannot conceive how any bad consequences could possibly have arisen.—Here the following question, put to one of the witnesses, stares me in the face: “ If admiral Keppel had ordered the undamaged ships to chase the three ships that were running away, with all the sail they could set, do you think that the undamaged ships might not have been led into the mouth of the enemy, before our disabled ships could have come up to their relief or assistance ? ” To this I answer, there was not the least danger of our undamaged ships being led into any such snare. The van ships could have easily avoided coming to an engagement with a superior force of the enemy, by shortening sail until a sufficient number of our own ships had come up to second them; whereas the enemy, by being to leeward, would have been utterly incapable of advancing, and consequently of forcing them to have fought under any disadvantage.

I readily grant that it would have been very imprudent to have entangled the ships with a lee-shore on an enemy's coast; but where is the man capable of shewing, that a general chase of the enemy, on the 28th of July, would

dle watch (from twelve at night until four in the morning) as stated by one of the admiral's witnesses, I think I may fairly conclude, that there was very little wind during all that time.

necessarily have involved our fleet in that danger? Every man must allow, that it would have been extremely imprudent to have followed the enemy into the harbour of Brest; but will that justify you in not having pursued them at all? The French ships might have been pursued, and the dangers of a lee-shore avoided *. I will venture to say, that, with a long summer's day before you, no danger could have attended your making the island Ushant. It would then have been soon enough to have considered the subject of lee-shores, and to have determined the limits of your further pursuit. When the situation of Ushant †, with respect to the coast on each side of the island, is duly considered, the *terrific* idea of lee-shores will appear to be a mere chimera, especially in that season of the year which is generally marked with gentle breezes and calm seas ‡.

As the Seams § bear about south from Ushant, and the Casquets || about north-east a point easterly, all the dangers along the coast, on each side the island, are included by two supposed lines extending in the above direction, forming, at Ushant, an obtuse angle of about a hundred and twenty-four degrees. By the situation of

* The British fleet was then more than a hundred miles from the coast of France.

† Ushant lies about five leagues west-and-by-north from the nearest part of the shore, which is Point St. Paul, and not far from the entrance of Brest.

‡ It is presumed, that no man living ever knew a gale of wind so strong and lasting, in the months of July and August, as to keep a ship under her courses (lower sails) for the space of twenty-four hours, in any of our circumjacent seas. Seamen are generally much more apprehensive of calms, at that season of the year, than of heavy gales of wind.

§ The Seams are rocks, which lie off the west coast of France, about ten or eleven leagues from Ushant.

|| The Casquets are high rocks, lying about three leagues west from the island Alderney, and distant from Ushant about forty-seven leagues.

Ushant,

Ushant, Sir, as thus described, it is evident, that every ship which can make a south course good on the starboard-tack, or a north-east-and-by-east course on the larboard-tack, may avoid every danger on the coast of France, provided that she be about two leagues to the westward of the island when she first hauls her wind: and it is also evident, that the wind, by fixing at any one point of the compass, cannot prevent a ship, so situated, from making one or the other of the above courses good, whilst her lee-way does not exceed four points and a half. Let us, for example, suppose a ship to be two leagues to windward of Ushant, with the wind two points and a half to the northward of west; she will, on either tack, lay four points and a half to windward of every danger: and if we suppose the wind to blow directly on the coast, on one side of the island, she will then lay seven points to windward of every thing that can hurt her on the contrary side.—The latter, Sir, was exactly the case with you on the 28th of last July. The wind, allowing two points for the variation of the compass, was then at west; and your fleet, if they had chased until they had got near to Ushant, might afterwards have even crossed the Channel to Plymouth with the wind two points abaft the beam: and they might have kept clear of every danger on the coast of France, *without any sail at all.*

I had frequently been told, that three of the enemy's ships were very near to your fleet in the morning of the 28th, and went off without being followed*; but, un-

* The Bienfaisant made sail, in order, I suppose, to follow them; but as many of the witnesses say they did not see any of our ships chase the enemy, I must conclude that she proceeded but a very little way in the pursuit. As our ships were then in the line of battle a-head, upon the starboard tack, they must have extended south-west and north-east, with the wind at west-north-west: and as the French ships steered away about south-east, ours, had any of them actually chased, would have gone off almost at right angles from

til the trial commenced, I never could believe the report ; and, to this hour, I am astonished at your conduct ! You say, “ It is undoubtedly the duty of every sea officer, to do his utmost to take, sink, burn, and destroy “ the enemy’s ships, wherever he meets them.” But you certainly could have chased the flying enemy : the improbability of coming up with them was a mere conjecture ; and the danger of a lee-shore nothing more than a bugbear.—You say, that, on the 27th of July, you came to an action with the French ; “ they were beaten, “ and obliged to retire into their own port.” But how were they beaten ? And who obliged them to retire into their own port ? Sir Hugh Palliser, against much opposition, endeavoured to prove the former ; but none have yet attempted to prove the latter. One of your witnesses, in speaking of the two fleets, when standing to the southward after the action, said : “ If our good fortune had “ placed us in their situation, and they in ours, if we “ had not demolished them, we ought to have been sent “ to the *Justitia* ballast-lighter * :” and, instead of obliging them to *retire into their own port*, you laid the British fleet to with their heads to the northward, and set up their rigging ! Concerning your returning to Portsmouth with twenty sail of the line, in order to obtain a reinforcement, you complain of having been filled

the British line ; and their chasing must thereby have soon become obvious to the whole fleet.

* Some have thought that this advantage, on the side of the enemy, arose from the relative position of the fleets respecting the wind ; but such are greatly mistaken. The British fleet had always the advantage of the wind, after they wore to stand to the southward at three o’clock. Whilst the French fleet could fetch up with ours upon the starboard tack, our fleet could have gone about a mile and a quarter to windward of them upon the contrary tack, supposing to have been three miles asunder when ours tacked : and after the French ships had gone far to leeward in forming their line, they could not have fetched our fleet at all.

with

with the deepest melancholy you ever felt in your life, upon finding yourself obliged to *turn your back on France*. But allow me to ask what obliged you, on the morning of the 28th of July, to *turn your back upon France, and also on its flying fleet*, as directly as the wind would permit? The enemy's ships fled towards the south-east; and, astonishing to relate! you laid the British fleet to, with their heads to the northward.—Could this, Sir, constitute any part of that conduct, which many of the witnesses, on your trial, deemed *highly exemplary and meritorious*? Or can we conceive it to have been that *glorious upholding of the honour of the British flag*, on the 28th of July last, for which our two houses of parliament *wisely* voted you addresses of thanks!

In giving your reasons for not having formed the line previous to your coming to action with the enemy, you say: “ If by obstinately adhering to the line of battle, “ I had suffered, as I inevitably must, the French fleet “ to have separated from me, and if by such separation, “ the English convoys from the East and West-Indies, “ which I have already stated in the introduction to my “ defence to have been then expected home, had been “ cut off, or the coast of England had been insulted, “ what would have been my situation? sheltered under “ the forms of discipline, I perhaps might have escaped “ punishment, but I could not have escaped censure; I “ should neither have escaped the contempt of my fellow-citizens, nor the reproaches of my own conscience.”—Nothing, Sir, in my opinion, could have more strongly urged a general chase. Our convoys from the East and West-Indies were still out; nay, to use your own words in another place, “ The greatest body “ of the British trade was then on its return home. “ Two East-India, and two West-India fleets of immense value were hourly expected.” You say, that,

on your returning to refit your fleet, you took care to leave two men of war of the line on a cruise to protect the trade. But what protection, Sir, could *two* ships of the line have afforded, had they been opposed by *twenty-nine* sail of the enemy? You had suffered the French fleet to separate from you, without having gained any material advantage over them; and they might then, for any thing you knew to the contrary, have been on their way to *insult the coast of England*, or proceeding to the southward, in order to *intercept our homeward-bound fleets*. I think that I err not when I say, the safety of our returning fleets required that the French should have been *driven* into port, before you quitted your station. This, Sir, was a matter of the utmost consequence to your country, and, in my opinion, highly worthy of your attention.

Before I close this part of the subject, I beg leave to quote the following passage, containing two more reasons for your declining the chase on the morning of the 28th: "If I had had my mind filled with notions
 "unworthy of my station (say you) I might easily have
 "paraded with my shattered fleet off the harbour of
 "Brest. I chose rather to return to Plymouth, with
 "all expedition, to put myself once more in a condition
 "to meet the enemy and defend the kingdom."—In thus admitting that you could *easily* have *paraded* with your shattered fleet off the harbour of Brest, you seem to have forgot the *lee-shore*, with all its *tremendous dangers*! Still, however, there is a bar to the chase: the British fleet must not parade off the harbour of Brest, because the commander in chief's mind was not filled with notions so unworthy of his station. Surely, Sir, you have not always been so careful to avoid *parade*: how far your conduct, in this respect, has been *unworthy of your station*, the candid public will judge. In my opinion you might
 have

have drove the flying enemy into port, without proceeding to any subsequent parade: after the former had been accomplished, the latter might have been considered: the destruction of that fleet was the grand object of your expedition; it was a matter of the greatest importance to the British empire; and the duties of your office required your utmost efforts in the execution. When the enemy shewed an intention to fight, it was your business to meet them with prudence and spirit; as soon as you saw them endeavouring to save themselves by flight, you certainly ought to have pursued with alacrity and perseverance; and, after driving them into port, and insulting their coasts†, you might have retired to Britain with *honour and triumph*. Several of the witnesses have said, that a fleet of thirty sail of the line could not get off from a lee-shore so well as a single ship: “ I look upon it, (said one of them) that one ship could get much faster off the land than a fleet could, even in moderate weather:” but I beg leave to say, that I hold a very different opinion. Whatever a ship can do alone, she may be supposed capable of doing when in company. When a fleet proceeds as a collective body, it is necessary that their rate of sailing should be adapted to that of the slowest ship; but should an apprehension of imminent danger arise, from the vicinity of a *lee-shore*, every commander would certainly do his utmost to avoid the impending evil; he would not then think himself bound to accommodate his motion to that of any slower sailing vessel; nor would he imagine that he ought to suffer his

† If to have suffered a French fleet to *insult* the coast of England would have subjected admiral Keppel, not only to the *censure* and *contempt* of his fellow-citizens, but also to the *reproaches of his own conscience*; surely an insult offered by the British flag to the coast of France, at the very heels of their flying fleet, must have been productive of similar effects on the side of the enemy.

own ship to go ashore merely to accompany others in that situation. Had you thought proper to have chased the French fleet on the morning of the 28th, your undamaged ships would probably have outailed some of those which had been hurt in the action, and, consequently, the former might have seen the enemy into port, before the latter had come near to that shore, which was afterwards said to have been exceeding dangerous.

Instead of chasing the flying foe, you say that you chose to return to Plymouth with all expedition, to put yourself *once more* in a condition to meet the enemy, and defend the kingdom; but if we are to reap no other advantage from our fleets than that of putting them in a condition to *meet*, and even *chase* the enemy, whilst they continue to *windward* and appear to be *out of our reach*, we shall soon become an object of universal contempt. You say that you chose to return to Plymouth *with all expedition*; but how did your subsequent conduct agree with your determination? According to your own account, you turned your back upon the retreating enemy, and you spent about half the day in *laying to*. Had this, Sir, the least appearance of *expedition*? Darkness may, in my opinion, with equal propriety be called light. The setting up of your rigging will probably be urged here as a plea for your laying to; but, as the wind was then pretty moderate, that business, I will venture to say, could easily have been performed in steering for Plymouth, or even in chasing towards Brest. Supposing, that you had chased the enemy until your sternmost, or heaviest sailing ships, had got near to Ushant, it would have made but little difference in the time of your arrival at Plymouth, with the wind as it was in the morning. This will clearly appear from the following bearings and distances: according to the latitude and longitude of the Victory at noon of the 28th,

28th, Plymouth bore North $40^{\circ} 3'$ East, distance 59 leagues ; Ushant bore North $76^{\circ} 4'$ East, distance 28 leagues ; and Plymouth bears North $16^{\circ} 40'$ East, from Ushant, distant 40 leagues ; so that the two distances, from the ship to Ushant, and thence to Plymouth, are only nine leagues more than the direct distance ; and that excess might, according to the wind as stated by one of the witnesses †, have been run in the space of three or four hours. But the truth is, Sir, you did not make sail for Plymouth till noon ; and therefore, it may reasonably be supposed, that, instead of arriving at Plymouth three or four hours *sooner*, you was three or four hours *later* than you would have been if you had chased the French ships, endeavoured to have brought the enemy to a decisive battle, established your claim to that victory which has been so much disputed, insulted the coasts of our perfidious foe, and secured the then expected arrival of our valuable merchandize from every quarter of the globe.

In complaining of Sir Hugh Palliser's long silence on the subject of your accusation, you say : " I have
 " mentioned before the circumstance of my accuser's
 " silence for months, during which he was called upon,
 " by the duty he owed to his country, to have stated my
 " misconduct, if any such had existed, and his refusal
 " to do so is strong evidence of itself, that even in his
 " opinion my conduct was liable to no reproach." As those reasons which you say operated with you against an early accusation, of Sir Hugh Palliser, for disobedience of orders, must be allowed to have at least an equal operation in favour of his delay ; it will, I pre-

† In answer to a question, put by the court, the witness said, that the slowest sailing ships might, with all their sails set, have gone " between seven and nine knots," in chasing the enemy on the morning of the 28th of July.

sume, be fair to suppose that Sir Hugh's silence has been owing to similar motives ; and as, in that case, he will be entitled to the same plea, I shall take the liberty of quoting your own words as a justification of his conduct. Having mentioned the speedy refitting of the fleet, by the hearty co-operation of all the admirals and captains, you add : " This benefit I acquired by avoiding
 " a retrospect into the conduct of the vice-admiral of
 " the blue ; for if I had instituted an inquiry or trial,
 " it would have suspended the operations of the whole
 " fleet, and would have suspended them in the midst of
 " the campaign, when every moment was precious, and
 " the exertion of every officer necessary. The delay
 " which the present court-martial has occasioned to the
 " service, even at this time, is evident to all the world.
 " How much more mischievous would it have been at
 " that period ?"—This, Sir, exactly accords with my idea on the subject ; and I have no doubt of the vice-admiral's saying that it is consentaneous to his.

On the subject of Sir Hugh's silence you add : " But
 " this is not all ; even so late as the 5th of October
 " last, I received a letter from him, dated at sea, conceived in terms of great good will and respect for
 " me ; in which, having occasion to mention some
 " prizes, which had been taken by the fleet, he considers *that* as a subject of little moment to me, assigning *this* as a reason—*For I know you had rather meet*
 " *the French fleet.*—That fleet which he says I fled
 " from ! Is this consistent with the tenor of those
 " charges ? Could the man who wrote the one believe
 " the other !—It is absolutely impossible."

I should be sorry, Sir, to find the least inclination to plead for inconsistency in any man, more especially when it relates to matters of importance. Glaring inconsistency ought always to be deemed an object of disapprobation :

approbation : But, in the present case, I beg leave to say, that however inconsistent the above conduct may seem, it will, in my opinion, appear evidently outdone by comparing your declaration in the house of commons with the contents of your public letter. In your public letter, you said that the *spirited conduct* of Sir Hugh Palliser deserved *much commendation* ; and in the house of commons you declared, that his disobedience of your orders had been the cause of your not re-attacking the French fleet on the 27th of July. In behalf of your conduct in this matter you say, you do not conceive that a commander in chief is bound to disclose to all Europe, in the midst of a critical service, the real state of his fleet *, or his opinion of any of his officers. But surely, Sir, no commander in chief is bound to praise where he thinks censure is incurred ; much less can he think it his duty to counteract his public approbation, by a subsequent and private conversation. It does not, however, appear to me that Sir Hugh's saying, in his letter, that he knew you had rather meet the French fleet, is absolutely inconsistent with the tenor of those charges which he afterwards exhibited. He might really think your former conduct to have been blameable, and yet believe that you earnestly wished for an opportunity to give a *better* account of the enemy.

How far both parties have been to blame, I shall not pretend to determine ; but I will venture to say, that

* Here it is proper to remark, that the supposed inferiority of our home fleet, to that of France, was declared to all Europe by its returning to Portsmouth, on the 27th of June, for a reinforcement ; and, lest any should remain ignorant of that which our interest required us to conceal, your *Minority Friends*, by agitating the subject in parliament, have frequently proclaimed our disgrace. But, in the height of their pernicious zeal, they ought to have remembered, that admiral Keppel quitted his station when there was no enemy at sea capable of looking him in the face ; and that he retreated to Portsmouth with the British fleet, when there was none to pursue.

matters have been carried farther, on both sides, than was originally intended. I am sorry, Sir, to say, that true patriotism seems to be almost wholly absorbed by party feuds and private views ; and it is currently believed that matters have lately been carried to a very great, if not to an unwarrantable length, on your side. Some have appeared very active as your friends, who are *more* than suspected of being friends to those with whom we are now at open war. In my opinion, this country has much to fear from the present mode of opposition. An opposition to administration, founded upon just principles, and carried on in a proper manner, will always produce the most salutary effects in this free country ; and it will merit the approbation and support of every Briton : but an unprincipled * opposition, like that with which we are now visited, must operate as poison upon the body politic, and it ought to be resisted by all who wish to prevent the destruction of the British state. Your attachment, Sir, to some of the leaders of *this* opposition has lately been the topic of public conversation ; and many of your sensible friends have had occasion to blush. You was always deservedly deemed a brave and a good officer ; as such you was lately employed by our most *gracious* sovereign, supported by an *anxious* government, and respected by a *generous* public. But, strangely urged by a designing party, your importance seems to have been *much over-rated* in the late condition of your future service ; and your recent conduct in the senate has opened the eyes of all who are willing to see.—An attempt was some time ago made, to empower a rebel congress to *model* the British ministry ; and we have lately heard of *subscribing* admirals, and *resigning* captains ; but I hope they are only the reports of design-

† The bishop of Peterborough is here excepted, as being one of a very different description.

ing men, raised for the purpose of perverting justice, and to embarrass government. As our naval officers are a body of the most *deserving* and *important* subjects in the kingdom, I hope they will never allow their minds to be prejudiced against any branch of administration.

It has been said that, the difficulties and discouragements arising from your trial are such, that it will not be easy for officers, attentive to their honour, to serve their sovereign, particularly in situations of principal command, if their conduct be liable to the impeachment of a subordinate officer; or if the principles upon which the same has been supported, shall prevail with any lord high-admiral, or with any commissioners for executing that office.

As our ships of war are unquestionably the property of the public, and every naval commander their servant, the little difficulties and discouragements which individuals of that body may sometimes meet with, ought never to be brought into competition with the welfare of the state. Those who are in situations of principal command, cannot be ignorant of their subordination to others; nor can they forget that their conduct, if blameworthy, is, and ought to be, impeachable by their inferiors. Every member of society, however dignified, must always hold himself accountable to the laws of that society; every servant of the crown, however high his rank, ought to deem a faithful discharge of his duty, his best official shield; and every commander, whether principal or subordinate, should invariably pursue the welfare of the community as his real, his highest, and his most permanent honour.

Having given my opinion upon some of the most material parts of your defence, as candidly and impartially as I can, I beg leave to call your attention to a few remarks on the trial of Sir Hugh Palliser. As the court-martial were proceeding in that trial when I first addressed you,

I did not think it adviseable to say so much on his behalf as I otherwise should have done ; but what appeared to be an impropriety before the issue of the trial, I now consider as an act of justice, and shall therefore proceed to declare my sentiments more fully on the subject. I shall begin with the manner in which the vice-admiral engaged the enemy ; and, as it is clearly expressed in the 9th and 10th pages of his defence *, I shall quote the following passage : “ Before I began firing at the
 “ enemy (says he) *I backed my mizen-top-sail, and it was*
 “ *kept so the whole time I was passing the French line ;*
 “ which, by *retarding my progress*, enabled me to give
 “ the French *more of my fire*, and consequently was the
 “ cause of my receiving more *from them*. The first ship
 “ I became close engaged with, was the first or second
 “ ship a-head of the French admiral ; after which I suc-
 “ cessively passed the remainder of the French center,
 “ and the whole of their rear ; and that no ship might
 “ escape my fire, *I hauled my wind to close with the two*
 “ *sternmost ships of the enemy*, which appeared to have
 “ kept more to windward than the other ships I passed,
 “ and not to have been engaged before. On the whole,
 “ I believe, that the Formidable fought seven or eight
 “ ships more than fell to the share of admiral Keppel,
 “ whose log-book takes notice of engaging only six ships
 “ of the enemy, besides the French admiral, and is
 “ therein confirmed by the evidence of Mr. More at the
 “ late trial ; he speaking to only seven or eight ships.”
 —What think you, Sir, of the gallant vice-admiral ?
 —One of your witnesses on the former trial, speaks of
 him in very high terms : “ As soon as I was out of
 “ the action (says he) I went into the stern-gallery,
 “ and paid a particular attention to the *Formidable* ; and,
 “ upon my word, I felt satisfaction in the manner in
 “ which she engaged, which I thought did infinite ho-

* Printed for T. Cadell in the Strand.

"nour to the officers and ship's company. I have re-
 "peatedly expressed this, and I think to the vice-
 "admiral himself."—The same witness, on the late trial,
 said: "The Formidable came into action with great
 "spirit by keeping up a constant and a regular fire."
 —This testimony does great honour to Sir Hugh Palli-
 fer, more especially as it comes from one of your warmest
 friends; but how different did you speak on the subject!
 on your being asked if it appeared to you that, during
 the time of engaging the enemy, he behaved as became an
 officer of his rank and station in the fleet? you an-
 swered: "At the times I observed the vice-admiral of
 "the blue, he seemed to be coming along the French
 "ships just as well as any other ship that led along
 "them, either before or after him; and in doing so, he
 "was doing his duty as a flag officer. I do not mean
 "to narrow the question."—I do not say that you
 meant to narrow the question; but be assured, Sir, that
 I have a very indifferent opinion of your answer. I
 freely admit that Sir Hugh was only doing his duty as a
 flag officer, but at the same time I am fully convinced,
 that *all* flag officers have not *always* done their duty.
 Concerning this part of your evidence, Sir Hugh, in
 pages 10 and 11, says: "It is very true, as admiral
 "Keppel expresses it, that I only performed my duty
 "like other officers. But the question, which came
 "from the court, did not lead to so *invidious* and *offen-*
 "*sive* a comparison as the answer points at; nor can I
 "imagine why it was answered in that way, except
 "from ill-will towards me. If any comparison was
 "proper, it should have been, not of the conduct of one
 "officer with another, but of the share which they
 "respectively had in the action, from the different situa-
 "tion of their ships. It might be, and so the fact was,
 "that it was my fortune, and that of the ships of my
 "division

“ division to have more of the action than the ships of
 “ the other two divisions. Yet it would be a great in-
 “ justice to suppose, that the captains of the other di-
 “ visions, if they had been engaged on the same terms,
 “ would not have acquitted themselves with equal zeal.”

—Here, Sir, the vice-admiral does himself real honour:
 I applaud him for his liberal sentiments concerning the
 bravery of his brother officers ; and I sincerely wish that I
 could say as much for all who were concerned in the bu-
 siness of that important day.

Sir Hugh Palliser next proceeds to give an account of
 his conduct after passing the enemy's rear : “ On coming
 “ out of the action (says he), the first moment I was
 “ clear of the smoke, I anxiously looked for the admiral,
 “ being ever solicitous to second what appeared to me
 “ to be his design. At this time he had wore, and I
 “ saw him at some distance, with the ships of his own
 “ division about him, and some of mine, which had
 “ joined him in the beginning of the engagement. He
 “ was standing towards the enemy, and had the signal
 “ for battle still flying. The red division was then to
 “ windward of the rear of the enemy. *Hence I took for*
 “ *granted, that the admiral intended to renew the engage-*
 “ *ment immediately; and, rejoicing at the idea, I did not*
 “ *one moment hesitate to endeavour taking the lead in what*
 “ *then appeared to me so glorious a design. Therefore,*
 “ though my ship was the last, or last but one, which
 “ came out of action, and had apparently suffered very
 “ much in her sails and rigging, and in loss of men,
 “ yet *I instantly ordered the ship to be wore, and to stand*
 “ *towards the enemy, who was still within gunshot of us,*
 “ without waiting to examine into the state of our
 “ damages. I also directed the officers and men to re-
 “ turn to their quarters. My orders were executed
 “ instantly ;

“ instantly ; and, by the use of temporary ropes to brace
 “ the yards about, the ship was wore.”

Surely, Sir, every Briton who is zealous for his king and country, must applaud the ardor of the vice-admiral : the great spirit with which the Formidable went into action is said to have been very conspicuous ; and that spirit appears, upon her coming out of the action, to have been no wise impaired. The commander in chief was no sooner seen at a distance standing towards the enemy, with the signal for battle flying, than the more than half wreckt Formidable wore, in order to take the lead in the glorious design of renewing the attack. When it is considered that the Formidable, when laying with her head to the enemy, had no other ship near her but the Worcester ; that she was nearly a-head of the Victory, and consequently between her and the French fleet, towards which she was then standing ; your total ignorance of her at that period must appear truly astonishing. Without pretending to account for it, I shall conclude this article in the following words of Sir Hugh's defence,—“ Admiral Keppel and the officers of the
 “ Victory say, that they were *quite ignorant of this move-*
 “ *ment of the Formidable.* But to others it was *very ap-*
 “ *parent*, particularly to captain Marshal, and the captain
 “ of the Worcester. How so material a motion of the
 “ commander in the third post escaped the notice of those
 “ on board the commander in chief, I know not. But,
 “ whatever the cause may have been, I feel this *as one*
 “ *of the many instances*, in which it was my ill-fortune
 “ not to be an object of their attention under any cir-
 “ cumstance, which place my conduct in an *advanta-*
 “ *geous* point of view.”

It has been said, that if the Formidable really was upon the larboard tack, she ought to have continued on it ; for, as the Victory was then advancing on the lar-
 board

board tack with the signal for the line of battle a-head, the Formidable ought to have formed a-head of her on that tack; but when it is considered, that the Formidable was then near to the enemy, and at a distance from the Victory; that the latter had not only hauled down the signal for battle, but also shortened sail; that the French were wearing to the starboard tack, and that three of their ships were standing directly for the Formidable; the vice-admiral will appear to have acted very judiciously in wearing from the enemy to meet the Victory. Again, as Sir Hugh Palliser could not see * the signal for the line, either on board of the Victory or the repeating frigate until nearly abreast of them, he could not be censurable for passing the admiral on the starboard tack; especially as no ships were then formed a-head of the Victory. The Formidable's not repeating the signal for the line of battle until it was seen from her, cannot be wondered at; that she did repeat it soon after her passing the Victory, has been clearly proved.

In your defence you say, that the signal for ships to windward to bear down into the Victory's wake was made, because the vice-admiral of the blue *continued to lie to windward, and by so doing, kept his division from joining you*: but I am clearly of opinion that this signal, like the important message by Captain Faulknor to the Earl of Sandwich, had not the Vice of the blue for its object. This, Sir, will evidently appear by the following particulars: the purser of the Arethusa, who

* From the second time of the Formidable's wearing until she passed the Victory, it appears, that they were nearly end-on to each other; that Captain Marshall being then on board of the Victory, his ship (the Arethusa) kept near, in order to favour his return on board; and that the signal for the line being at the mizen-peak (in the hinder part of the ship) the Formidable could not be supposed to see it, on board of either the Victory or the repeating frigate, until they came pretty much open to windward in passing.

took the minutes of the signals, said, on the late trial, that the blue flag, though not repeated on board of the repeating frigate till *twenty-four minutes after three*, was hoisted on board of the Victory at *fifty-six minutes past two*; captain Marshal not having thought proper to repeat it until the signal for the line was hauled down on board of the Victory, to shew it plainer: and as all agree, that the Victory passed *to windward* of the Formidable on the larboard tack, it must clearly follow that, whether she wore to the starboard tack at three o'clock, according to the minutes taken on board of the repeating frigate, or at seven minutes after three, as mentioned in your defence, the Formidable must have been actually *to leeward of the Victory* when the signal was made. Again, supposing the signal not to have been made on board the Victory until near the time of its being repeated on board the Arethusa, namely, at twenty-four minutes after three, it would be impossible to conceive how the Formidable's distance from the Victory could then have occasioned it. If the Victory, in a few minutes after passing the Formidable, wore at three o'clock, and kept close to the wind for the space of ten minutes, the former was, probably, on the lee-bow of the latter, before she bore away two points towards the disabled ships; in that case, the act of edging away must have left the Formidable nearly in the Victory's wake; and supposing the latter, upon her first keeping away, to have outailed the former at the rate of even two miles in an hour, their distance asunder could only have been about *half a mile*, at the time of making the signal. If the Victory did not wear till seven minutes after three, she did not edge away until within seven minutes of making the signal; and, consequently, her distance from the Formidable, at twenty four minutes after three, must have been *less* than half a mile. Once

M

more,

more, I shall suppose, with admiral Campbell, that the Victory, about a quarter of an hour after passing the Formidable, wore at seven minutes past three; their distance asunder would then have been about a mile and a quarter; the Formidable would have been right a-head of the Victory, whilst the latter kept close to the wind; and when she edged away towards the disabled ships, at seventeen minutes after three, the Formidable would have been only two points on her weather-bow, distant above a mile. Upon the whole, Sir, I think I may venture positively to assert, that the signal for the ships to windward to come into the Victory's wake could not be made, the first time, on account of the vice-admiral of the blue's *continuing to lie to windward*; nor, because that his doing so, *kept his division from joining you*. He could not have been more than *half an hour* to windward of you at that time; his distance from the Victory could not well exceed *half a mile*; and of the ships of his division there were none with him*.

The relative position of the Formidable, subsequent to the time before mentioned, has been variously described. The captain of the Fox frigate said, the Formidable was well on his weather quarter when his signal to go to the Victory was made; that he was then on the weather beam of the latter, about three fourths of a mile, that he was only half an hour in going from her to the Formidable, although he went a-stern of all the ships which were formed in the Victory's wake; and that, after hailing the Formidable, he was twenty-five, or thirty minutes in going into his station again,

* That writer in the *Newspaper*, who said that, *the cause of admiral Keppel's not re-attacking the French at half past three in the afternoon, was, Sir Hugh Palliser's not joining him, but being, at that time, FOUR MILES TO WINDWARD WITH HIS DIVISION*; hath now some reason to blush for his bold assertion.

close-hauled. If the Fox went close-hauled into the same situation that she left to get to the Victory, the Formidable, instead of being on the weather quarter of the Fox, when her signal was made, must have been *right in her wake*; and if the Fox was then only three fourths of a mile on the Victory's weather-beam, the Formidable must have been only the *same distance* to windward of the Victory's wake: and allowing the Fox, in going from the Formidable, to have proceeded at the rate of five knots and a half, she must have gone about two miles and three quarters to her station. The result is, that the Formidable was in the wake of the Fox, distant about a mile and three quarters, before the latter quitted her station; and that, as the Fox was then three quarters of a mile on the Victory's weather beam, the Formidable must have been less than a point and a half on the latter's weather quarter, distant near three miles, and might easily have been weathered by the Fox in standing from the Victory on the larboard tack.

Another witness, on being asked what was the distance and position of the vice-admiral of the blue, between five and six o'clock, with respect to the Bienfaisant, then the sternmost ship formed in the Victory's wake? Answered: "Upon my weather beam, about three miles." If the Formidable was really three miles on the Bienfaisant's weather-beam, the Fox, after going astern of the latter with a message to the former, could only lay up for a point in the Formidable's wake, three miles a stern of that ship, and, by going at the rate of seven miles an hour, she would, supposing her to have made no lee-way, fetch that part of the wake in about thirty-six minutes: the Formidable, supposing her to have been then going three knots and a half, must have gone above two knots in the same time; their distance asunder, at the time of the Fox's fetch-

ing into the Formidable's wake, must have been full five miles ; the former must have stood an hour and twenty-six minutes after the latter, before she could have come up with her ; and the whole time of the Fox's going with the message, from the Victory to the Formidable, must have been more than two hours. Without attempting to reconcile those very different accounts, I shall briefly observe, that, in the latter instance, the relative *position* of the Formidable appears to have been the sole object ; whereas, in the former, the *time* requisite for the Fox's proceeding from her station to the Victory, and from that ship to the Formidable, with the message to the vice-admiral, seems to have been the thing principally in view.—In your evidence on this head, you said : “ As far as a seaman's description, “ goes, I will tell you where she (the Formidable) appeared to me : Going to the Victory's stern, there “ was the captain's couch, that touched the stern bulk-head ; and I stood thereabout, I believe ; the couch “ was rather to windward, not in the midships of the “ stern. I stood rather to windward of it ; and looking “ out of the stern-windows, I could not see the Formidable. When I had a mind to see the Formidable, “ I was obliged to go into the gallery to see her : she “ appeared to me to be so far drawn up ; if I should “ guess, she was between the beam and the quarter.”—This, Sir, seems to be a very lame account of the Formidable's position with respect to the Victory. You say the couch touched the stern bulk-head ; that it was rather to windward of the midships, and that you stood rather to windward of it : but what space the word *rather* is here intended to comprehend, you leave to mere conjecture. You say that when you had a mind to see the Formidable, you was obliged to go into the gallery : this, Sir, implies, that you could not see her through any of the

the

the stern-windows ; which, if true, renders your couch account altogether unnecessary. Had you told us how far you stood from the weather-side of the ship, and how far it extended beyond that part which was abreast of your station, we might then, by joining the geometrician to the seaman's description, have determined how far you saw to windward of the Victory's wake. Supposing, for instance, that you had stood nine feet from the weather-side of the ship, that it had extended about eight feet beyond that part directly opposite to your station, and that it inclined inwards one foot in the eight ; the Formidable, if thence seen, could not have been more than four points to windward of the Victory's wake ; and if she could have been kept in view, when standing between six and seven feet from the ship's side, she could not have been more than three points upon the quarter. The latter was the bearing of the Formidable from the Victory, as stated by Sir Hugh Palliser ; and, upon the whole, I cannot see any reason to doubt of its being pretty just.

The evidence, concerning the time of *receiving* and *delivering* the message by the Fox frigate, appears to be as contradictory as that which relates to the situation of the Formidable. With respect to the former, Sir Hugh Palliser, in page 42 of his *Defence*, says : “ Mr. Keppel, “ *speaking on his oath*, has said, that he called the frigate, which carried the orders to Sir Robert Harland, “ to go to his proper station in the van, and which was “ the Milford, at the same time that he called the Fox “ to carry the message to me. This leads to fixing *five* “ as the hour of sending the message by the Fox. But “ admiral Keppel is most directly contradicted by captain Marshal and his purser, also speaking upon oath, “ and their written minutes ; according to which the “ Milford's signal was made ten minutes before four, “ and hauled in thirty-three minutes after four ; but “ the

“ the Fox’s signal was not made till thirty-two minutes
 “ after five, and not hauled in till *three* minutes after
 “ *six*. In other words, instead of Mr. Keppel’s send-
 “ ing these two frigates at or about the same time, there
 “ was a difference of *an hour and a half* between dis-
 “ patching them. This striking error in *antedating* the
 “ dispatch of the message by the Fox *one hour and an*
 “ *half*, may, as I can plainly see, be convenient to
 “ the plan of my destruction, but how it is otherwise
 “ to be accounted for, is the business of Mr. Keppel
 “ to explain.”—The time of calling the Fox to the
 Victory by signal, and also that of dispatching her with
 a message to the Formidable, being so clearly and con-
 clusively fixed as to render any farther remarks on these
 particulars quite unnecessary; I shall proceed to the time
 of delivering the message, which seems to be as variously
 stated by the witnesses as that of receiving it.

One witness says, that he delivered the message *nearly*
about half an hour after five: but if, according to the
 minutes of the repeating frigate, the Fox’s signal was
 not made until *thirty-two minutes after five*, and not
 hauled in till *three minutes after six*, when she received
 the message from the Victory, the delivery of it to the
 Formidable *nearly about half an hour after five*, was ut-
 terly impossible. On this head Sir Hugh, in pages 44,
 45, and 46 of his *Defence*, says: “ He (the captain of
 “ the Fox) allows himself only *half an hour* to carry
 “ the message. But the Formidable is proved to have
 “ been three points on the Victory’s weather-quarter,
 “ and *three miles distant*; and captain Windsor acknow-
 “ ledges, that to fetch the Formidable, he made a *cir-*
 “ *cuit, going to leeward of all the ships of the center divi-*
 “ *sion, which were formed a-stern of the Victory, and was*
 “ *forced to change his tack*. All this so encreased the
 “ space he had to traverse, that, though he went *six* or
 “ *seven* knots as he calculates, it must have required
 “ con-

“ considerably *more than an hour* before he could reach
 “ me. This postpones the time of delivering the mes-
 “ sage till between *seven* and *eight* in the evening, and
 “ corresponds with the account of my officers ; who
 “ are all positive, that the Fox did not come within
 “ hail of the Formidable till near or about *sun-set*, which
 “ on the 27th of July, and in the latitude of Ushant,
 “ where we then were, is *a little after half past seven*.
 “ Other corroborating proofs that this was the time I
 “ received the message, are, that we had repeated the
 “ blue flag the second time of its being hoisted, which
 “ was at *thirteen minutes after six*, and that we had also
 “ repeated the pendants of particular ships of my divi-
 “ sion, which, by captain Marshal and the written mi-
 “ nutes taken on board his ship, were not hoisted till
 “ thirty-six minutes after six, a considerable time be-
 “ fore the Fox hailed us. It is further ascertained
 “ by the circumstance of our not being able to bend
 “ our foretop-sail till a little before *eight* ; in doing
 “ which, both captain Windsor and lieutenant Bertie
 “ observed us to be employed, whilst the Fox was near
 “ the Formidable. Thus, from the evidence of captain
 “ Marshal, whose most justly distinguished accuracy,
 “ as a repeater of signals, the court has heard such
 “ warm encomiums upon ; from the written minutes on
 “ board his ship at the time ; and from a combination
 “ of circumstances, not gleaned without great labour
 “ and difficulty out of the late and present trial ; the
 “ result is, that a message sworn to have been delivered
 “ to me at *half past five*, was not really delivered till
 “ *half past seven*. How material the error of two hours
 “ in stating this message is, will strike every one, who
 “ hears me, when it is recollected, what an influence
 “ time has on the supposed import of the message.
 “ If the message was delivered at *half an hour after five*,
 “ it might not have been too late to re-engage, had such
 been

“ been the admiral’s intention, and other circumstances
 “ independent of time did not obstruct him. But at
 “ *a quarter of an hour after seven* in the evening, that
 “ *is a quarter of an hour before the message reached me*, it
 “ is confessed by Mr. Campbell to have been so late,
 “ that the admiral had then given up all thoughts of re-
 “ engaging.”

Although I wish to avoid speaking positively on a subject, concerning which, there has been so much contrariety of evidence ; I beg leave to say, I am clearly of opinion, that the circumstance of the Formidable’s people being in the act of bending her foretop-sail, at the time that the message was delivered, is worthy of particular attention. Considering the then proximity of the Fox, we cannot suppose it possible that the witnesses, who speak of the Formidable’s foretop-sail-yard being manned, and of the people’s being employed in bending the sail, could be mistaken : and even supposing that there’ had been a possibility of mistaking, we could not entertain the least suspicion of their partiality in favour of the vice-admiral. The time of the delivery of the message, and that of the bending of the Formidable’s foretop-sail, are material circumstances ; and their coincidence, though differing widely from the evidence given by several of the witnesses on both trials, corresponds very well with that of the officers of the Formidable. They all say, without being contradicted by any, that the foretop-sail was not only *bent*, but *set* about eight o’clock ; and they all agree that the Fox did not come within hail of the Formidable until *near or about sun-set**.

The witnesses have also differed much with respect to the *words* of the message ; but as the evidence of one man ought to be deemed equally valid with that of

* On the 27th of July, the sun set, in the latitude of Uthant, about thirty-seven minutes after seven o’clock.

another,

another, where no particular circumstances tend to destroy that equality, I shall say but little on this head. On the one side the words delivered to Sir Hugh Palliser are said to have been ; “ That he (the admiral) “ only waited for him and his division coming down “ into his wake to renew the action ;” they also say, that this message was delivered twice by the captain, and twice repeated by the lieutenant ; and that the answer each time was : “ I understand you very well,” or, as the latter witnesses said : “ I understand you perfectly.” On the other hand, it is said, that the captain of the Fox addressed Sir Hugh Palliser as follows : “ It is the “ admiral’s desire that the ships of your division should “ bear down into his wake :” And that the answer was : “ Very well, I have repeated their signals for that purpose.” There is so much difference in the message delivered, and also in the answer returned, as stated by the different witnesses, that it is utterly impossible to reconcile the two accounts : to say which is right and which is wrong, or whether, considering the nature of conversing by speaking trumpets, the distance of time and the treachery of memory, either of them be literally true ; I will not presume. One thing, however, strikes me very forcibly, namely, the repetition of the message no less than three times after the first delivery, notwithstanding that the answer said to have been received each time was ; “ I understand you *very well*,” or “ *perfectly* :” and though the ships are said to have been so near to each other, at the time, that *the words could not be misunderstood*.—In your evidence on this article, you delivered yourself as follows.

“ I ordered one (the Milford) to tell Sir Robert Harland to take his place in the van ; the other, the Fox, “ I gave orders to ; I do not exactly recollect, but the “ purport of them must be undoubtedly to call the

N

vice-

“ vice-admiral of the blue ; for I certainly then waited
 “ for nothing but his bringing his division to me, to go
 “ quickly to the French fleet. The expressions might
 “ not be so civil as I wished they were, for I don’t
 “ wish to make use of improper words, I am sure ; I
 “ was warm, therefore, not remembering exactly, I do
 “ not trust to my own message at all. Admiral Camp-
 “ bell received my orders distinctly.—I hardly remember
 “ what they were,—he remembers what they were. I
 “ did not say that I sent that message, but I am sure
 “ that my mind was such that I must have sent the mes-
 “ sage ; I have no doubt of it, those that heard me are
 “ the best judges of what I did say.” Surely, Sir, such
 vague and indefinite language, concerning a message
 tending to affect the life and the honour of the vice-ad-
 miral, must astonish every reader. You cannot recol-
 lect the orders which you sent by the Fox ; but, remem-
 bering that you then waited for nothing but Sir Hugh
 Palliser’s *bringing* his division to you, to go quickly to
 the French fleet, you concluded, that the purport of
 your orders must *undoubtedly* have been to call the vice-
 admiral of the blue. You say that you do not trust to
 your own message at all ; that you did not say you
 sent that message ; and yet you are sure your mind was
 such that you must have sent it ! Thus, Sir, in the very
 act of doubting, you in effect say that you have no doubt ;
 and, astonishing to tell ! you leave it to those who heard
 you, to declare what you said !

It has been fully proved, that the signal for ships to
 windward to come into the Victory’s wake, was hauled
 down at *thirty minutes after three*, and that it continued
 down for the space of *two hours and forty-three minutes* :
 it was hoisted again at *thirteen minutes after six*, and is
 the first signal, that for the line excepted, that could any
 wise apply to the vice-admiral of the blue. The time
 of

of this signal's being re-hoisted, differs indeed, *above an hour and a half* from the medium of the times mentioned by the officers of the *Victory*; but whoever considers the business of the repeating frigate, and that her written minutes were corroborated by the evidence of her captain, purser, and mate, must conclude, that they cannot all exactly agree in a mistake on so important a part of their duty.

In the close of the former edition of this *Address*, I said, “ concerning Sir Hugh Palliser, I have followed
 “ the dictates of my conscience, and were he my brother,
 “ I should think it my duty to say, that public justice
 “ ought to prevail over every party view. His trial is now
 “ pending, and should his crimination and punishment
 “ be the result, I should, doubtless, feel for him as a bro-
 “ ther; but justice to my injured country would seal my
 “ lips.”—His important trial terminated on the fifth of May; he was then not only acquitted, but his conduct, in many respects, very highly applauded. The † sentence

† “ The order aforementioned having been accompanied with
 “ the original minutes of the proceedings of the court-martial,
 “ lately held for the trial of the honourable Augustus Keppel: and
 “ reciting that it appears by the said minutes, that several matters
 “ were given in evidence at the said trial respecting the conduct and
 “ behaviour of vice-admiral Sir Hugh Palliser on the 27th and 28th
 “ of July last, which demand strict examination: the court pro-
 “ ceeded to examine witnesses touching the said several matters, and
 “ to try him for the same; and having maturely considered the
 “ whole—also what the prisoner has alleged in his defence, toge-
 “ ther with what has been given in upon evidence in support there-
 “ of—are of opinion, that his conduct and behaviour on those days
 “ were, in many respects, highly exemplary and meritorious: at
 “ the same time, cannot help thinking, it was incumbent on him to
 “ have made known to his commander in chief the disabled state of
 “ the *Formidable*, which he might have done by the *Fox* at the
 “ time she joined him, or by other means.—Notwithstanding his
 “ omission in that particular, the court are of opinion, he is not in
 “ any other respect chargeable with misconduct or misbehaviour on
 “ the days aforementioned; and therefore they acquit him, and he
 “ is hereby acquitted accordingly.”

of the court-martial hath occasioned much speculation, and the public have been greatly divided respecting its propriety. Some think the court has acted very wisely and uprightly; many are of opinion that Sir Hugh ought to have been fully and honourably acquitted; while others insist, that the sentence was much too honourable. Considering how apt the human mind is to be influenced by ignorance and party-prejudice, we ought not to be surprised at such diversity of opinion; nor can we wonder that those who are perpetually warring against the ministry, should be anxious to trip up the heels of their distinguished friend. For my part, although I think the conduct of the vice-admiral was such, that he deserved a full acquittal, yet the high opinion which I entertain of the ability and integrity of the late court martial, renders me diffident of my own judgment. They have marked, in strong characters, the laudable part of his conduct; and they have pointed out that which they thought an omission. They say they “are of opinion, that his conduct and behaviour on those days were, in many respects, *highly exemplary and meritorious*: at the same time cannot help thinking it was incumbent on him to have made known to his commander in chief the disabled state of the *Formidable*, which he might have done by the *Fox* at the time she joined him, or by other means.”

As I cannot conceive how the making you acquainted with the state of the *Formidable* could any wise serve the important business of the day, I must believe, that the court considered it as a compliment due from a subordinate officer to his commander in chief; and that Sir Hugh Palliser, having it in his power, ought to have paid you that compliment. Sir Hugh, in his defence, says, he concluded, that the condition of the *Formidable* was so apparent as to make a message unnecessary, especially

cially as you *omitted to throw out his ship's pendant*, with the pendants of the ships of his division : I beg leave, Sir, to say, that I am of the same opinion : let your own words, upon oath, determine how far we are right. After taking notice of the vice-admiral of the red's standing after the enemy, when you came out of the engagement at one o'clock, you say : " The other ships that I saw, " were looking to me as if they had received damage ; " such damage as they were in the repair of, but there " were no masts, yards, or sails, that I saw, gone."— Here, Sir, you can discover that the ships were looking to you, and that their looks were expressive of the damage they had received. Again, concerning your standing towards the enemy, after wearing the first time, you say : " I thought something was to be done ; I saw the " vice-admiral of the red ready ; he looked as if he " wished it." Thus, Sir, you know the damage, and even the wishes of other ships, by the manner of their looking at you ; but the poor Formidable was, it seems, quite ignorant of that mode of communication !—once more on this head, upon your being asked by the court, whether the Formidable appeared to be in such a condition as to take her station in the line a-head of the Victory, when you was advancing towards the enemy on the larboard tack ? you answered : " Most undoubtedly. I saw no more appearance of the vice-admiral being disabled, than of the Victory ; less indeed, for the Victory was obliged to unbend her maintop-sail. I saw no disability in the Formidable " at all at that period." If the unbending of the Victory's maintop-sail was a visible proof of disability in her, surely the want of the Formidable's foretop-sail from between four and five o'clock till about sun set, afforded you such an evident proof of her disability as must have rendered any other intimation totally unnecessary during

during that space. Upon the whole, Sir, I am of opinion, that the disabled condition of the *Formidable* was so obvious as to render any formal or particular information concerning it merely complimentary : whether, in the then situation of things, you could reasonably expect such a compliment, I shall not pretend to determine.

With respect to the time necessary for repairing the damages sustained in an engagement, when none of the mast or yards are shot away, I have always thought four hours fully sufficient for the purpose of repairing all the standing and running rigging, and also for shifting every unserviceable sail, unless the case be peculiarly bad. By the account of the *Formidable's* damage †, as stated in the minutes of the late trial published by authority, her condition appears to have been peculiarly bad indeed ! With her fore and spring stays shot away, only four fore-shrouds and one pair of foretopmast ditto left standing, all the backstays on both sides shot away,

† “ The ropes in general about the bowsprit, fore, and spring-stays, shot away. Only one fore-shroud left standing on the weather-side, and three to leeward ; several of them cut in two places — Only one pair of foretopmast-shrouds standing on the lee-side, and none to windward ; with all the back-stays shot away—Foretopgallant stay and shrouds, braces, bowlines, and all the running ropes in general about the foremast, with the fore-tacks and sheets on both sides, shot away.

“ Mainspring-stay shot away—only two main-shrouds to windward standing, and four to leeward ; several of them cut in two places—Maintopmast-stay and spring-stay, all the weather back-stays, with only two shrouds to windward left standing—maintopgallant-stay and shrouds, all the running-ropes in general (one main-brace excepted), main-tacks and sheets on both sides shot away.

“ Three of the weather mizen-shrouds, and most of the running-rigging, shot away”—three fore-channel chain-plates, two main, and one mizen ditto shot away—masts and yards much damaged ; one large shot twenty-two inches into the foremast, six feet above the forecastle-deck, which discovered rottenness in the mast—many of the sails rendered useless ; and seventy-five large shot in the hull of the ship, three of which were under water.”

and

and all the main and maintopmast rigging gone to windward, excepting two lower, and two topmast shrouds, she might well be called *a wreck*. Yet this ship, sir, and also the Vengeance, you thought proper to leave, in standing away from the enemy. As I find that the Formidable followed the Victory all the afternoon under her courses, main and mizen-topails, I hesitate not to say, that, considering her condition, she carried a great deal of sail : the reason why that quantity of sail did not enable her to get into her station in the line, will be pretty clearly expressed by the following inversion of the question put to the master of the Victory by a member of the former court-martial. Quest. † Suppose you in the Formidable going three knots and a half, and a ship a-head which you are steering after, gradually increasing her distance from you ; do you not think that ship, which evidently sails faster than you do in the Formidable, must go more than three knots and a half ? —“ I do sir.”

As much has been said by you and others concerning the Formidable's having been almost right in the wind's eye of her station in the line all the afternoon, and that, to have gone into it, she would have steered, “ may “ be (say you) four, five, six, or seven points from “ the wind ; with the wind hardly upon the starboard “ quarter ;” I shall shew how exceedingly you have been mistaken. Supposing the Formidable to have been, as you say, only two points abaft the Victory's weather beam, distant three miles ; that both ships were then close hauled ; that the Victory was going four knots ;

† Quest. by a member of the former court-martial : “ Suppose “ you in the Victory going two knots, and a ship a-stern of you “ going three knots, and three knots and four fathom, do you “ not think the ship a-stern would come up with the ship a-head “ that goes two knots ?” Answ. “ I do, Sir.”

and

and that the Formidable would, by keeping away one point from the wind, have gone at the same rate : in that case, the Formidable would have steered for a place in the line of the Victory's direction, then about fourteen miles and a half from the former ship, and thirteen a-head of the latter ; in three hours thirty-seven minutes the Formidable would have reached that place ; she would then have been in the Victory's wake ; and the latter, by having gone an equal distance in the same time, would have been near *a mile and a half* a-head of the former. Thus the Formidable, under the most favourable supposition, could not, in three hours and a half, have got nearer to her station in the line than about *half a mile*. Again, supposing the Formidable to have been, as described by the vice-admiral and his officers, *three points on the Victory's weather quarter, distant three miles* ; and that, whilst the latter was going four knots close-hauled, the former went, as in the foregoing supposition, at the same rate one point from the wind ; in this case, the Formidable, by running nine miles, would have got into the Victory's wake in two hours and a quarter ; and the Victory, having run the same distance, would then have been more than two miles and a quarter a-head : so that the Formidable could not, in two hours and a quarter, have got nearer to her station in the line than *a mile and a half*. Supposing the Formidable had gone more than two points from the wind, that would have placed her in a more disadvantageous situation ; for, although she would thereby have got sooner into the Victory's wake, she would have been proportionably further a-stern. For instance, if she had steered two points from the wind, she would have got into the wake of the Victory in an hour and seven minutes ; but she would then have been two miles and three quarter's astern. Again, if she

she had gone away three points, she would have steered for that place which the Victory then occupied, and she would have reached it in three quarters of an hour; but the Victory, by going an equal distance in the same time, would have left *that place* three miles astern; therefore the Formidable, after losing the advantage of being to windward, would have been no nearer to her than before †. Upon the whole, Sir, I positively assert that, supposing the Formidable to have been in any situation from two points abaft the Victory's beam and upwards, the former could not possibly have got into her station in the line, unless she had sailed faster than the latter; and as no one has said that the Formidable either did go, or could have gone faster than the Victory, I must conclude, that the latter, if she wished the former to join her, ought to have *shortened sail*.

Of the various charges alleged against Sir Hugh Paliser, and attempted to be proved in the course of the late trial, none have, in my opinion, appeared more ridiculous than that of his not having shifted his flag, when the disabled condition of the Formidable rendered her incapable of getting into her proper station in the line, on the afternoon of the 27th of July. The vice-admiral says, nothing could be more distant from his thoughts at the time, than the idea of shifting his flag. The firing was over, and the signal for battle hauled down: the French had gone to leeward in order to form their line on the starboard tack; and the British fleet, instead of advancing to the enemy, had wore to the

† Although the Formidable, by going two or three points from the wind, might probably have gone somewhat faster than she would have done in going only one point from it; I am persuaded that she could not, in that case, have gone faster than the Victory did close-hauled; and even supposing that she would, the excess could not have been such as to materially affect the calculations I have made.

same tack, and were standing away from them. If no *disgrace* attended that movement, there certainly could not be the least shadow of *glory* in view ; and in such a situation of things, it cannot be supposed that the vice-admiral ought to have shifted his flag, merely because the *Victory* went faster than the *Formidable* could follow her. You say, in your evidence, that you waited for nothing but Sir Hugh's bringing his division to you, to go quickly to the French fleet ; but how, Sir, did you wait ? The *Formidable* carried all the sail she possibly could set, and yet the *Victory* *continued to encrease* her distance all the afternoon ! But the *Formidable* was not the only ship left by the *Victory* ; the *Vengeance* was also a great way a-stern, and in a much more dangerous situation. This, Sir, will in a great measure appear by the following quotations.

In your evidence on the late trial you said : “ The
 “ *Vengeance* was very much damaged, and a good way
 “ a-stern. I looked upon her as helping herself to get
 “ on. I never looked upon her as being able to help
 “ us very materially : I believe that ship's company
 “ was not a very good one ; not able to assist her like
 “ those in the ship I had the honour to be in ; for my
 “ people could do any thing, and in a minute.—The
 “ *Vengeance* never got into the line at all, she could
 “ not do it, nor did I expect it from her ; her head was
 “ always to me trying to do it, with all the sail she
 “ could set.”—That the *Vengeance* was very much damaged, and also *a good way a-stern*, I cannot entertain a doubt ; nor am I at any loss to guess the cause of both : she had been damaged by the enemy's fire, in passing along their line ; and she was left a-stern by the quantity of sail which the *Victory* carried. If she was really helping herself to get on ; if her head was always to you, trying to get into her station in the line, with all
 the

the sail she could set ; how came her efforts to be rendered ineffectual ? The answer is easy : the sail which the Victory carried, defeated her intention. But why, Sir, did the Victory, in standing away from the enemy, leave the *striving* Vengeance at a perilous distance ? To this, your own words supply an answer : “ I never “ looked upon her (said you) as being able to help us “ very materially ” This sentence will probably confound many of your friends. In your *Defence* we are told, that you turned your stern to the enemy, in order to protect the disabled ships and collect the fleet ; and in your evidence, on the late trial, you endeavour to justify your leaving one of your disabled ships, because you never looked upon her as being able to help you very materially ! Are we then to understand, that the Victory, in proceeding to the protection of the Sandwich, Ramillies, Robuste, and the Egmont, was also seeking protection for herself ; and that the Vengeance being deemed incapable of such *reciprocation*, was not thought to be entitled to the same attention as the ships *a-head* ? You say the Vengeance never got into the line at all ; and you believe that it was partly owing to the badness of the ship’s company : “ I believe (say you) “ that ship’s company was not a very good one : not “ able to assist her like those in the ship I had the honour to be in, for my people could do any thing, “ and in a minute.”

Although I have no doubt, Sir, of the goodness of your ship’s company, I cannot think them capable of *doing any thing in a minute* ; even supposing your minutes to contain sixty such *moments* as that in which you said they bent the Victory’s maintop-sail †. But allowing
the

† Concerning the bending of the Victory’s maintop-sail, admiral Keppel says : “ It was bent very quickly ; they were a parcel of fine

the Victory's people to have been as good as you please to suppose, why compare them with those of the Vengeance, in order to depreciate the latter? If the Vengeance suffered greatly in passing along the enemy's line, it does honour to her Commander; and, if she was thereby rendered unable to carry so much sail as the Victory, I cannot see any reason for blaming her people. For my part, I entertain so high an opinion of the gallantry of our seamen, as to believe them incapable of behaving remissly in any part of their duty when an enemy is near. On such occasions, they have always manifested an honest indignation against every act that they deemed unworthy of their profession; and, in the cause of their *king* and *country*, they have ever displayed such a spirit of bravery and intrepidity as hath rendered them at once the *envy* and *terror* of the world. Upon the whole, Sir, I am clearly of opinion, that the Victory ought to have accommodated her rate of sailing to the disabled condition of the Formidable and the Vengeance: the true reason why you did not, will probably appear in what you say concerning your ordering Sir Robert Harland from your rear to take his proper station in the van: "Sir Robert Harland had executed the order I gave him most ably and well (say you), and it had all the effect I meant it to have; it deterred the French from coming up."—As Sir Robert Harland was ordered to form in the Victory's wake, for the avowed purpose of *detering* the French from coming up; it cannot be unreasonable to suppose, that the sail which the Victory carried was intended *to lengthen the time of their chase*.

"fellows; it surprised me; it was done in a moment."—It appears, however, that the Victory's maintopsail was above *half an hour* in shifting: hence it may fairly be concluded, that the admiral's *minutes* contain *many hours*.

Hav-

Having delivered my sentiments on the several articles which, in the late trial, appeared against Sir Hugh Palliser; and declared my opinion on the sentence of the court-martial; I now beg leave to express my surprize at your having attempted to justify your conduct, in not renewing the action, by accusing the vice-admiral of disobedience! Even supposing that Sir Hugh, instead of doing his utmost to get into his station, had really been guilty of the most direct and obvious disobedience by keeping out of it; I cannot conceive how such disobedience could have prevented you from re-attacking the enemy. If you really believed that the Formidable was in a condition to have taken her station in the line, you could easily have made her particular signal for that purpose*; and if the vice-admiral had then proved refractory, you might have appointed one to the command, who would have immediately executed your orders: if you was convinced of his disobedience, superseding was, I apprehend, clearly your duty. But, considering your great superiority over the French fleet at that time, I think I may venture to say, that it was not in the power of Sir Hugh Palliser to have prevented your re-attacking it with advantage. Had the Formidable been totally destroyed, you would then have been equal to the enemy in number of

* Sir Hugh Palliser, in the 49th page of his *Defence*, justly observes "If he (the admiral) meant to be delicate, as he professes, "would not the *silent* and *disguised* censure of a strong signal have "been equally expressive, yet more delicate than the *harsh* and *coarse* "language of a *trimming* message? If the object of the message to "me was to renew the engagement, why was he so long before he "sent it, that it could not reach me, till considerably after the latest "time in the evening fixed by himself and his friends for another "action?"—A witness, on the late trial, said, that one of the Victory's lieutenants took him by the arm and carried him to windward, saying: "There is the Fox gone with a trimming message to "the vice-admiral of the blue."

ships, much superior to them in point of guns *, and certainly ought to have renewed the action.

That mistake which the ships of Sir Hugh's division made, in going into the Formidable's wake, instead of the Victory's, might have been easily and quickly prevented, by ordering the signals to have been made on board of the Victory for each particular ship: the Victory was to leeward of the Formidable, consequently those ships which were latest in getting into the wake of the latter, could have got considerably sooner into that of the former. As six of the blue division had left their flag in the morning, in obedience to the signal to chase to windward, you could not have the least doubt of their coming into the Victory's wake, upon seeing their signals flying for that purpose: in fact, you did make their signals, but so late that, before they could possibly get down, you had given up all thoughts of renewing the engagement †. Why this very

* The French fleet, when first seen, consisted of thirty-two sail of the line, including two fifty gun-ships, and carried, according to the best accounts, 2270 guns: two of them, viz. Le Duc de Bourgogne of 80 guns, and L'Alexandre of 64, were separated from the fleet before the action; and one went away disabled immediately after it: supposing *her* to have mounted 64 guns, the remaining twenty-nine had only 2062 guns, which was 216 less than those of the British fleet. The French had one ship of 110 guns, one of 90, two of 80, thirteen of 74, ten of 64, and two of 50.—Our fleet consisted of the Victory of 100 guns, six of 90, one of 80, fifteen of 74, and seven of 64. So that, supposing the admiral to have renewed the action without the Formidable, their two ships of fifty guns must have fought with two of our sixty-fours; five of their sixty-fours, with ours of seventy-four; and three of their seventy-fours, with ours of ninety. Hence it appears that, without the Formidable, *eleven* of the enemy's ships would have been *greatly over-matched*.

† It appears in evidence, that the signals for particular ships of the blue division to come into the Victory's wake, were not made until about seven o'clock; and that the admiral, at *a quarter past seven*, gave up all thoughts of renewing the action.

im-

important signal was so long delayed, lies with you to answer. In your public letter you tell us that you allowed the French to form their fleet again, to leeward of the king's fleet, without firing upon them, because you thought *they meant handsomely to try their force with you the next morning !* and, in my opinion, all your motions, after wearing from the enemy at three o'clock, correspond with that declaration. How you could entertain such an opinion of that fleet which, you say, had always been endeavouring to *go off*; more especially after they had been *beaten*, I cannot conceive; and how your account of the action can be reconciled with your subsequent conduct, I am wholly at a loss to know. The disadvantageous manner of your engaging the enemy, was commented upon by one of your witnesses, in the following words: " To me " it was a very animating fight; it appeared bold, daring, " and becoming the character of a British seaman, who " felt his superiority over an enemy he was accustomed to " beat; and the success justified the measure." This, Sir, is an honourable description; but alas! it appears wholly inapplicable to your conduct, after passing the rear of the enemy. Your behaviour before that event, is represented as bold and enterprising; but afterwards, it appears to have been strongly marked with *caution*! When to leeward, and your fleet much separated, an action was to be brought on *at any rate*; but when to windward of the beaten enemy, your line of battle must be formed, and every ship in their station! Does this, Sir, afford any proof, that the *success* of your *rencontre* justified the measure? Had you proceeded to renew the engagement, I am persuaded, by the vice-admiral's anterior behaviour, that the Formidable would have immediately followed your example; and that she would either have bent her foretop-sail in going down to the enemy, or engaged under her main and mizen top-sails. These sails, provided
the

the enemy had laid to, would have answered the purpose pretty well; if they had stood on under their topsails, the *Formidable*, in that case, must have set her foresail. When a ship of war is so damaged as to be rendered unable to act as she otherwise would do, it is certainly incumbent on her to do as well as she can; and, with an enemy in view, it is undoubtedly the duty of every commander *to do his utmost*, to take, sink, burn, and destroy their ships.

The behaviour of several leaders in the minority, respecting the late court-martial, has excited the wonder and abhorrence of many: for my part, I am far from wondering that men, heated by party-zeal, and long habituated to detraction, should direct their baneful shafts against those judges who dared to acquit the man, whom they had publicly predevoted to *infamy* and *ruin*. As I highly approve of the conduct of the late court-martial, I shall offer a few queries to the serious consideration of those who profess different sentiments on the subject. I beg leave, Sir, to ask you, and all your friends, whether the late court-martial did not do every thing in their power to try Sir Hugh Palliser fairly? Did they not call upon every person who was thought capable of giving evidence against him? And was not every question put to them which could be supposed to effect his crimination? Had any of the witnesses reason to complain that improper questions were asked? And was there not ample scope given for the declaration of every fact which had any relation to the conduct of the vice admiral *? I believe

* In examining the captain of the *Vengeance*, on the former trial, admiral Keppel, by omitting every question which could anywise relate to the disabled condition and dangerous situation of his ship, prevented Sir Hugh Palliser from asking the witness any question on those heads. The court having previously resolved, "that the prosecutor has no right, upon cross-examination, to enter upon new matter, but must confine himself to such points as have fallen

lieve I may venture to say, that no attempt was made, by any of the late judges, to turn mere opinion into matter of fact : nor did they give the least cause to suspect, that they had any intention of sheltering their sentence under the opinion of witnesses previously obtained *. In short,

“ fallen from the witness in his first examination ;” the captain was not cross examined. But the court were not under any such restriction ; they had heard, by the second witness examined, that the van of the French fleet fired upon the Vengeance about five o'clock in the afternoon, as she was laying about two miles astern of the Victory in a very shattered condition, and unable to make sail ; and yet, they did not ask her commander a single question ! There were no questions put to the witness, concerning matters of fact, but the two following.

“ *Quest.* Was not the signal for the line kept flying all that time, in order to collect them ?

“ *Answ.* I was so busily employed in my own ship, that I saw no signal for the line on the larboard tack.

“ *Quest.* Did you see the French fleet on the morning of the 28th ?

“ *Answ.* No.”—All the other questions put to this witness, went to matter of mere opinion ; and no inquiry was made concerning the condition, situation, or behaviour of the Vengeance !

* A member of the former court-martial, upon the second witness declining to give his opinion on the admiral's conduct, respecting the five articles of the charge, said : “ How are we to form a judgment with respect to the admiral's conduct on that day, but from the opinion of the officers of the ships that commanded there ; and if every officer has as much modesty as the evidence now at the bar, it is impossible we should ever come at the facts alleged against the admiral of the fleet, and he must stand to all the world charged with not having done his duty ; that he has neglected it, and that he has forbore to do the utmost in his power to take, sink, burn, or destroy the French fleet that had attacked the British fleet ; and that he absolutely run away from the enemy ; I don't enter into any thing more ; but it respects the five charges against him, upon which I beg leave to observe, and think the court has an undoubted right to ask this question, and I shall never give up that point myself.”

Whatever may have been the friendly intention of this member, his words seem to be but ill adapted to the purpose of conveying his ideas of the admiral's innocence. If admiral Keppel must stand

short, I am clearly of opinion, that their conduct throughout that important trial was such, as did plenary justice to

to all the world charged with not having done his duty, unless the witnesses will, after giving evidence to a number of facts, declare him innocent; surely every impartial person must conclude, that the facts stated by the several witnesses carry, or are conceived to carry, the idea of *criminality*. In such a case, what must we think of that man who can urge a witness to declare an opinion which may contradict several of the facts he has previously stated *upon oath*. The behaviour of Lord Mulgrave, when pressed by this *celebrated examiner* to give his opinion, did his lordship infinite honour. "I have taken an oath (said his lordship) to answer the truth of all questions; I look upon opinion to be matter liable to error; I have answered every fact that has come within my knowledge, as distinctly as I could; I hope the court will not press upon me to give my opinion.—The court are to judge of the facts before them, and I should think myself in a most disagreeable situation, as a witness, if I am to be called to answer upon my oath to that which is matter of opinion; and perhaps, after giving it to-day, at another time I may alter my opinion, and think it not a just one. The facts I can speak to as matter of knowledge; as to opinion, I cannot.—A matter of fact, which may in one case be meritorious, may in another be criminal; and I am called upon to decide, whether the acts done by the admiral that day were meritorious or criminal? I have answered to every fact, to every motion of the fleet that I observed, to every signal of the fleet that I saw; I am ready and willing cheerfully to answer every question of fact; but to answer, whether I am of opinion that the admiral was guilty of *negligently performing his duty*, or no? does not become me as a witness.—It has happened to me during the course of the time I have had the honour to serve under that admiral, to disapprove in my own mind of particular steps, and upon farther reflection and consideration, to approve them, and to feel that I was wrong; after that, will the court, at this moment, call upon me to give an opinion, that perhaps I may alter hereafter?"

The forcible manner of his lordship's reasoning, the honour he did all those who had previously proceeded upon the same laudable principles, and that disgrace with which he so effectually covered his examiner and *opponent*, must afford great satisfaction to all who have any real esteem for *truth and justice*.

all

all concerned, added real honour to their naval profession, and gave true lustre to their judicial character.

As the contents of log-books are never admitted as proper evidence on courts-martial, I wondered that a few alterations, discovered in those very uncertain records, should have been raised into such consequence at the beginning of your trial; it appeared, however, in the subsequent proceedings, that alterations and errors had been more general than were at first expected; and log-books were justly, though not very consistently, allowed to sink into their pristine insignificance! That those who have the care of log-books have a right to correct errors and supply deficiencies, I cannot entertain a doubt; nay, I positively assert that it is their indispensable duty to do so: whether, in such corrections, there should be any thing erased, depends upon orders received, the settled custom of the service, or other circumstances. In that log-book which gave rise to declamation on this head, the vice-admiral was said to have sent several of his ships to chase to windward on the morning of the 27th, which, not being true, was afterwards altered by saying, "the "admiral made the signal, &c." the other difference consisted in additions, by stating more fully the admiral's signals in the afternoon for ships to bear down; and by mentioning the seeing of the three French ships on the morning of the 28th, which had been entirely omitted. These alterations, Sir, seem to have been very proper; but that which you particularly objected to was, its being added, after mentioning the Robuste's bearing down in the evening to take her station, "that she continued in "her station with as much exactness as a disabled ship "could do, the admiral making much sail." However difficult it may have been to keep in her station before dark, on account of the sail which the Victory carried, that cause of difficulty had not existed all the night;

otherwise the Robuste's *foretopgallant-cap* * could not have been mistaken for the vice-admiral's *blue flag*, abreast of the van about day-break in the morning.—I will venture to say, that all the log-books in the fleet were deficient in many respects, if not also erroneous : indeed it is hardly possible for any log-book to be correct at such times : but of all the log-books in the fleet, those of the *Victory* and the *Queen* appear to have been the most erroneous. During those periods in which you *advanced* towards the enemy on the larboard tack, and afterwards *flood away from them* to join some of your disabled ships, the *Victory's* log-book states her to have been laying-to ! from the time of her coming out of action at one o'clock, until she joined the disabled ships at five, she was quite inactive according to her log-book ; and her second wearing, at three o'clock, was declared by the master to have been *added* but a few days before he delivered it into court !

The ministry have been repeatedly charged with having taken an active part in both the late trials, with a view to pervert justice : but not the least shadow of evidence has been produced to support the assertion. Your friends moved the house of commons for leave to bring in a bill for trying you ashore *, the ministry joined, the bill passed,

* This is a pretty large piece of oak, made to fix upon the head of the foretopmast, and projecting forwards so as to receive the foretopgallantmast through a hole made in it for that purpose. The Robuste appears to have been advanced as far as the rear of the van division at day-break of the 28th ; and as her foretopgallantmast had been shot away in the action, its cap became the more conspicuous, and had most probably occasioned the mistake ; however that may have been, it was clearly proved, that the Formidable was then a considerable distance astern.

* An ill state of health, with which the admiral had, at times, been long afflicted, was the plea upon which the motion was grounded ; and, although I do not mean to call in question the justness of that plea, I cannot help thinking that it does not well accord with the

passed, many of your distinguished adherents attended the trial. Sir Hugh was left to himself ! and you was honourably acquitted ! I presume, Sir, you well know, that the vice-admiral was not so accommodated on his trial, either with respect to place or company ; and yet the whole kingdom was made to ring with ministerial influence ! Had the majority leaders gone down to Portsmouth and attended the trial, day after day, I own that I should not have been altogether free from suspicion : great folks seldom take so much pains unless they have some important end in view. As I do not find that any of the ministry did attend, but left that business wholly to those who appeared to be their determined enemies, I conclude, that neither you nor your friends can produce the smallest proof of their having endeavoured to exercise any undue influence on any of the late trials. I sincerely wish, Sir, the conduct of your adherents had put it in my power to say as much for them. Although they loudly demanded an immediate enquiry into the transactions of the 27th and 28th of July, they seemed to be alarmed upon hearing that it was ordered to take place ; and the public were quickly favoured with a specimen of their persuasive powers. Soon after your trial was fixed, a copy of *the representation of the twelve admirals* appeared in the General Ad-

the prior and subsequent boasting of his friends. Before the admiral had notice to prepare for trial, his friends represented him as the only man in the kingdom capable of being her *saviour*. And the *act*, authorising the board of admiralty to order the trial on shore, was no sooner passed, than his advocates, forgetting all bodily infirmities, insisted that he was the only sea-officer capable of interposing between Great Britain, and that danger which then threatened her ! If the admiral's state of health had long been such, that the going on board of a ship in *Portsmouth harbour*, and the coming on shore again, only once a day during the trial, would have imminently endangered his life ; I hope I may be allowed to say, that he could not be the *fittest* person to direct Britannia's thunder amidst *conflicting elements*.

vertiser ;

vertiser ; and, although its contents were ill suited to carry conviction to any impartial reader, some of the people, if not the court-martial, were much misled by the authority of its *declared authors*.

In the close of that extraordinary piece they say : “ We
 “ therefore humbly represent, in behalf of public order, as
 “ well as of the discipline of the navy, to your majesty,
 “ the danger of long concealed, and afterwards precipi-
 “ tately adopted charges, and of all recriminatory accu-
 “ sations of subordinate officers against their commander
 “ in chief ; and particularly the mischief and scandal of
 “ permitting men, who are at once in high civil office,
 “ and in subordinate military command, previous to
 “ their making such accusations, to attempt to corrupt
 “ the public judgment, by the publication of libels * on
 “ their officers in a common newspaper, thereby exciting
 “ mutiny in your majesty’s navy, as well as prejudicing †
 “ the minds of those who are to try the merits of the ac-
 “ cusation against the said superior officer.”—It is not

* In my opinion, no publication of truth, which appears to have the redress of the grievance complained of, or the prevention of its consequences as its only object, ought to be deemed a libel. As malice prepense makes the act of killing, murder ; so, with deference to those great authorities from whom I now venture to dissent, the *malicious design*, appearing in a publication, of exposing a person to public contempt, hatred, or ridicule, constitutes the libel ; and without which, it does not, I presume, come properly under that denomination.

† As some may probably think that my first *Address*, considering the time of its appearance, came under this description, I beg leave to observe, that the word *malicious* having been *extra-judicially* used in the sentence of the former court-martial, I saw that Sir Hugh Palliser went to his trial with a great deal of prejudice against him ; and hence concluded, that the publication of my *Address* at that time, instead of *corrupting* the public judgment and *prejudicing* the minds of those who were then trying the merits of the accusation against him, had a direct tendency to restore that equilibrium which the admiral’s friends, in and out of parliament, had most shamefully, if not *maliciously*, destroyed.

my

my business, Sir, to enquire, whether the representation from which this is quoted was genuine or spurious ; nor whether public order and the discipline of the navy were among the objects which the *representers* had in view : I mean, for the present, to allow their remarks to be just, in order to make them more sensibly feel the weight of their own artillery. If Sir Hugh's publishing a letter in the newspaper, in order to defend his professional character against a most scandalous newspaper attack, can be called an attempt to corrupt the public judgment, previous to the exhibiting of his charge against you ; if it may justly be deemed a libel on his commander in chief ; if it excited mutiny in the navy ; and if it had a tendency to prejudice the minds of those who were to try the merit of his accusation against you ; how powerfully must the *representation of the twelve admirals* operate, in the production of all those baneful effects ! What think you, Sir, of your *representing friends* ! They exclaim against the mischief and scandal of *permitting*, &c. but I should be glad to know in what manner they wished his majesty to have hindered Sir Hugh Palliser from defending himself when attacked in the newspapers ? Such arbitrary doctrine from those who have the vanity to style themselves advocates for freedom, has a very strange sound indeed : but, as the learned Dr. Price says, “ The people who cry out so vehemently for liberty to themselves, “ are the most unwilling to grant it to others.” I cannot yet believe that the twelve admirals, whose names were subjoined to the forementioned representation in the public papers, could subscribe such a composition, present it to their sovereign, and deliver a copy for publication : but if they really did, I am persuaded that many think his majesty would have done well, if he had removed them as far as possible from those disagreeable consequences of which they complained : in that case, the
first

first subscriber might have been excepted, on account of his *present age* and *past services*.

Although I have endeavoured to defend administration against the unjust attacks of your friends, respecting the conduct of the late court-martial, I have a few things to offer against them.—Few did I say? Yes, they are few in number; but I am sorry to have occasion to add, they are of the utmost consequence to this deluded, divided, and otherwise invincible kingdom. The charge, Sir, is no less than that of putting our fleets and armies under the direction of *minority men*. Our discord at home has rendered this war peculiarly distressful; and it requires administration to act with *caution* and *spirit*. Our colonies, grown wanton through our liberality, have ventured to unsheath the sword against their parent-state; and a number of men here, who think it their interest to fish in troubled water, have surely done their utmost to promote their parricidious designs! Freedom has indeed been their *boasted* object, but, by *dissimulation* and *falsehood*, they have long endeavoured to instigate the most happy and generous people on earth, to oppose the legal government of their country. Shall these men, Sir, be entrusted to fight our battles at the head of our fleets and armies? Ought *they* to be sent, as *admirals* and as *generals*, to suppress that very rebellion, which, as *senators*, they have repeatedly applauded! I wish I could say that this has not been the case. The advocates for the American rebellion either speak according to their conscience, or contrary to its dictates: if the former, common sense says they ought not to be employed, lest they should *cherish* that rebellion which their duty to the state requires them to *crush*; if the latter, they are surely unworthy of every species of trust: those who are capable of speaking contrary to their conscience, in matters of the last importance to their country, will
not

not scruple to *act* contrary to their conscience, when interest or inclination invite.

When it was found necessary to commence hostilities against France, many loyal Britons were of opinion that all parties would heartily join against the natural enemy of their country : but alas ! our ancient and ambitious foe is now become the *great and good ally* of our revolted colonies ; and that villainous union, instead of producing universal resentment here, has been highly approved, and the power of the enemy magnified, even in the British senate ! I am convinced that the colonies have been excited to rebellion by the base behaviour of *our patriots*, and that we are still indebted to the same cause for its continuance and consequence. But France, joined with our rebellious subjects, proving unable to embarrass our ministry so as to oblige them to resign those places which the leaders in opposition, at the hazard of their country, seem determined to obtain, great pains have been taken in tempting Spain also to take advantage of our situation ! Spain, contrary to her true interest, is now our enemy ; and those very men who have laboured incessantly in bringing it about, appear to be afraid of the consequences : with respect to the principal cause of that event, I beg leave to refer to the following passage in my first letter, published in the Morning Chronicle of August the 13th *, as conveying my opinion on the subject :
 “ Whenever I reflect, that one of the finest fleets Britain ever sent to sea, declined the acceptance of proffered battle, when to windward of the enemy, I am pained beyond expression. We have great reason to believe, that the allowing of Washington’s army to remain always in full force, has encouraged the perfidious

* In this letter, signed *Nauticus*, I requested the printer to declare my real name to all who should complain of their being aggrieved by what I had said.

“ French to abett their rebellion ; and who knows how far the late escape of the French fleet may affect the future conduct of the yet inactive Spaniard.”—I am sorry to say, Sir, that my fears with respect to Spain have been too justly founded : although it would be unreasonable to suppose that Spain wishes to assist our revolted colonies so effectually as to establish their independence ; we may suppose her willing to embrace the present opportunity for crushing our power, in order to make a prey of *them* when rendered defenceless. The leaders in opposition have often claimed great merit, on account of several events in the present war having taken place according to their predictions : by the same rule I think I may also be allowed to claim, with this material difference in my favour, namely, that I have not, either directly or indirectly, *had any hand in bringing that which was predicted to pass* : I never was in the *secrets* of the enemy ; nor have any of my friends had the *direction* of the British forces. For my part, I think the times have a very serious aspect : our fleets and armies, till lately, have been exceedingly inactive ; and our executive powers seem to be greatly relaxed. Inquiries have indeed been instituted ; but to what purpose ? exculpation, instead of crimination, seems to have been their chief, if not their only object ! When an expedition miscarries, or a campaign proves fruitless, and there clearly appears to have been a fault somewhere ; I cannot err in saying, it is the duty, the indispensable duty of administration, to use their utmost endeavours to find out and punish every delinquent. I know the part which our *patriots* act on such occasions ; and am bold to say, that their pernicious interference, in behalf of every supposed delinquent, should excite government to a greater exertion of those powers with which it is wisely invested.

I am

I am sorry to observe, that administration does not treat the minority leaders with that spirit which, in my opinion, the exigency of the times require. I think I may venture to say, that the ministry have many friends in the British empire; and that, were the former to act with greater spirit, they would add considerably to the number of the latter. When the most incessant endeavours are used to render government odious to the people, when foreign powers are invited to strengthen the hands of our rebellious subjects, and when some who are high in rank, endeavour to persuade us to submit to all the consequences of subjugation, without bravely attempting to surmount our difficulties, the real friends of their king and country ought not to be silent.—Under that impression, Sir, I entered upon the consideration of your defence; and my ideas of Sir Hugh Palliser's *innocence, abilities, and bravery*, have induced me to make some remarks on his trial * and the sentence of the court-martial. Agreeably to

* As the rottenness discovered in the Formidable's foremast has been the subject of much conversation, it may probably be expected that I should say something on that head. The carpenter's saying that he knew nothing of it until they arrived at Plymouth, has induced several to think that, either the mast was no wise rotten, or, if it was, that no discovery had been made of it until she got into Plymouth Sound: but the discovery of the rottenness on the afternoon of the 27th, was clearly proved by captain Bazeley, lieutenant Hills, and Mr. Forfar, the master, without being in the least affected by the evidence of the carpenter. That the mast was deeply wounded in the action by a large shot, that its inside rottenness was thereby discovered, and that all, who in their then hurry had an opportunity of examining, might have seen it, does not admit of the least doubt. The carpenter was busily employed all the afternoon and night, in fisting the mizenmast; and he only went upon the forecattle to examine and give orders concerning the replacing of those fore-channel chain-plates which had been shot away. Although the nature of the case rendered a slight repair inefficacious, and their bearing away for Plymouth next day, made a considerable repair then unnecessary, I cannot help thinking that the carpenter, when at leisure, ought to have examined the wound, and made

to my *motto*, which I have taken the liberty to borrow from your *defence*, I have made many additions to my former observations, because I thought them necessary to the expressing of my sentiments more fully on the subject : in doing so, I hope that I have not given any just cause of offence, either to you, or to others concerned. I beg leave to say, I have delivered my sentiments in a manner which I thought suitable to your rank and former services ; and consistent with that character which I ever wish to support myself. Having no desire to hurt the reputation of any one in the fleet, I have avoided taking any further notice of the evidence, than I judged necessary to the *introduction* or the *confirmation* of my remarks on the subject lately agitated between you and Sir Hugh Palliser : and I have even treated very sparingly on your own evidence in the late trial, though it certainly affords abundant matter for *animadversion*. Wholly unacquainted with administration and opposition, and without the least personal knowledge of any who were particularly concerned on either of the late trials, I can truly say that I am not, knowingly, under the influence of party nor of personal prejudice. Conceiving the nation to have been greatly injured by the transactions of the 27th and 28th of July, I have endeavoured to set the important matters in their true light ; and to repel those insults which, in several instances, have been offered to the understanding of every British seaman. There are thousands

himself acquainted with the state of the mast.—By the account of damages delivered into court on the late trial, it appears, that, instead of the mast's being *condemned* according to the judgment of the officers of the king's yard at Plymouth, it was *fished* and *cased* at the particular desire of Sir Hugh Palliser, in order that he might be sooner ready for sea ; by the quantity of rotten wood which the carpenter took out of it and produced to the court on the 29th of April, it appears that the wound was opened again at Portsmouth ; and, upon the whole, it is reasonable to conclude, that it was ultimately *condemned* as unserviceable.

in

in the kingdom well able to judge on the subject ; to them I appeal for the justice and candour of my observations.

Should any of your friends and adherents, especially those of our profession, think that I have erred in any particular, I beg leave to request a publication of their sentiments : in that case, I shall cheerfully give up whatever may appear to be wrong ; and strenuously defend every article that shall prove to be right : justice to you, and to the public, demands the former ; and a due regard for truth, and to that important cause in which I have engaged, requires the latter. Let my errors be once candidly pointed out, I will quickly thank that friendly hand, and so far yield the palm, even to the weakest of our profession : but, whilst no signs of mistake appear, I am resolved to maintain my sentiments against every opposing son of Zebulon. Should that congeniality which lately induced you and a celebrated admiral to extol each other's naval conduct, now excite to a mutual defence, and your noble friend should take the lead in that difficult business, I shall soon give you an opportunity of returning the favour. The squadron which his lordship lately commanded was, I believe, the *best manned* one that ever appeared at sea in any quarter of the globe. But to conclude.—Where, Sir, are all those veterans in opposition who are continually enervating the British government, dismaying their fellow-subjects, and inspiring our enemies with hopes of easy conquest ? Let them now appear against what I have advanced, or candidly own the irresistible force of truth. If I have misquoted your words, or mistaken their meaning, refer to the instances ; if I have misrepresented your actions, or drawn any unfair inferences, point out the injury ; or, if you apprehend that I have said any thing contrary to *truth*, or inconsistent with that respect which is due to your *rank* and *former services*, exhibit your complaint ; I declare myself ready to render ample, public, and immediate reparation.

TO THE
MONTHLY REVIEWERS.

GENTLEMEN,

I Return you thanks for the very favourable opinion you have given of my Address to the Honourable Augustus Keppel; and I particularly acknowledge my obligation for what you have said on the score of my profession of impartiality: "There is great profession of impartiality in this piece (say you), but the Author's professions are rendered questionable by the keenness of his manner, and the sarcasms which he frequently casts on the Admiral's friends and adherents—the *minority*, the *patriots*, &c. whom he severally censures for their attachment to party principles, in opposition to what he deems the true interest and honour of his country"—I confess, Gentlemen, that some of my expressions concerning our present *patriots* are keen; but that keenness, I hope, proceeds from no other source than that of an honest indignation. I will not venture, however, to speak with absolute certainty on this head. That man knows but little of the human heart who thinks himself perfectly secure from the danger of partiality, especially in matters of importance; even a secret wish frequently misleads the unwary judgment, and *that* evidence which alone ought to determine it, is either not duly adverted to, or totally neglected. No man can plead an entire exemption from prejudice; nor can the imperceptible manner of its operating render it less dangerous: it often steals into the most guarded and upright mind, and every object, seen through that false medium, becomes proportionably magnified or diminished, defective or redundant.

I freely own that I abhor the conduct of Opposition in both Houses of Parliament, because I think it clearly subversive of the National welfare. Like hungry Esau with his birth-right, they appear eager to sell their Country for a mess of Pottage. They readily voted the supplies of the present year it is true; but some have strenuously endeavoured to hinder Administration from making a proper use of them! Our formidable fleets and numerous armies must greatly increase our national debt, and, unless employed to effect, they will accelerate that which the *Patriots* are continually sounding in our ears, *the ruin of the Empire*. The Leaders in opposition seem principally to aim at driving the Ministry out of their places, in order that they may possess them; and although they may continue to be foiled in their chief design, they are pretty sure of occasioning such *delays* and *miscarriages* as cannot fail to furnish them

them with plausible pretences for future attacks. When the utmost assiduity is requisite in every, or in any branch of Administration, then do our *ever watchful Patriots* become incessant in *barrassing* and *perplexing* them: of this, the late inquiry into the management of Greenwich hospital affords a very striking instance: whoever adverts to those essential services which appear to have been done to that excellent institution by the Earl of Sandwich, and has the honour and interest of Britain at heart, must look on the late inquisitorial conduct of Richmond's Duke with disapprobation and abhorrence.

We are told that an Hon. Member of the House of Commons lately said; "when that side of the house (the Minority) continued to harass them (the Ministry) and to throw obstacles in their way, it served as a spur to their activity."—Surely Administration ought to be otherwise employed than in surmounting such obstacles as the Leaders in opposition may think fit to throw in their way. But this, Gentlemen, is not the only pernicious consequence of their nefarious conduct: *discontent* and *despondency* are in some measure made to pervade the kingdom, and great encouragement is given to all our enemies to prosecute their wicked designs. To the truth of the former, daily experience bears testimony, and to that of the latter, the following quotations shall speak. The French Gazette of June the 18th, 1779, under the article of London news, says: "Mr. Hartley insisted, that the naval force of France was almost equal to that of Great Britain both in Europe and America, that Spain held the balance, and whichever side she declared for, would have the superiority.—He would dare to assert, that England would no longer be Mistress of the Ocean than it pleased the House of Bourbon to permit her."—"The eloquent Burke averred, that Mr. Hartley had advanced nothing but truth; and he supported this opinion by a circumstantial detail of the whole Spanish force."—In that of June the 22d, they say: "Messrs. Townsend, Burke, and Fox, were those, of the opposition, who distinguished themselves most against the motion (the late vote of credit); they observed, that the nation in its present very alarming situation, exhausted itself by the most enormous expences, when every day discovered some new enemy; that Spain was about to declare against us; that Ireland, threatened with an invasion, had taken that opportunity of resisting the English Government, and that even Scotland was full of discontent"—Can we wonder, Gentlemen, that our ambitious enemies should, under such influence, entertain hopes of effecting their villainous purposes against this much envied kingdom? or does it require a moment's consideration to declare, that the conduct of our *Patriots* has been exceedingly prejudicial to their Country?

We are told, that a Noble Admiral, in expatiating on the mal-conduct of Administration, on the first day of the last Sessions,

sions, asserted, "that our Navy was *ruined and annihilated*:" and another minority Peer asked; "were we not inferior every where? that is (he begged to be understood) wherever our fleets met the fleets of France." Here his Lordship took occasion to speak of the affair off Brest; and he objected to the Address to his Majesty, which was then the subject of debate. The baleful tendency of the objections made by the Minority Leaders on this occasion, was strongly marked by the following question put by that very able speaker, the late Earl of Suffolk: "Would the noble Lords, who have objected to the Address (said his Lordship), have us to say to France, *we are miserably situated, our resources are gone, our powers are at an end, we pray ye give us peace!*"—Surely, Gentlemen, those who are capable of recommending such abject language to Administration, ought to be deemed unworthy the privileges, the honour, and even the name of Britons.—But, to view the hurtful conduct of opposition in still stronger colours, I beg leave to call your attention to the following passage in the Morning Chronicle of the 27th of November last. The Printer, in giving an account of the Earl of Shelburne's speech in the House of Lords, on the preceding day, says: "He (Lord Shelburne) protested that the salvation of this country was ascribeable to Admiral Keppel; and after repeatedly asserting, that he most heartily wished the public, both within and without doors, would rise, as one man, and drag the authors of our present calamities to ignominy and punishment, he concluded with" &c. —I am persuaded, Gentlemen, you will think this was a very daring attempt: thanks be to God, it has *hitherto* proved fruitless. Such language in the assembly of the British Peers, at such a crisis, was truly alarming; and it still calls for the serious consideration of all who love their King and Country. If there be a subject in the kingdom who can approve of such conduct, I call on him to stand forth and avow his approbation. For my part I solemnly declare, that I could not have sat with his Lordship again, as a fellow-member, until the legality of his behaviour had been properly determined. Reflect ye Ministers, on your astonishing timidity, and blush! Insurrections, notwithstanding the *wishes* and the *sedulity* of our *Patriots*, have not yet taken place: but faction at home, rebellion abroad, and a war with foreign enemies, are the genuine effects of their pernicious, I had almost said *diabolical, patriotism!*—May the Almighty change their conduct, or, in mercy to the Empire, take them *to himself* in that way which he sees most conducive to his glory, and the welfare of the state; and may Britons henceforth be joined, as one man, in fearing our most gracious GOD, in honouring our illustrious Sovereign, and in promoting the true interest of our much injured Country.

